

# Central Intelligence

Origin and Evolution

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Center for the Study of Intelligence

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ISBN 1-929667-10-8

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CENTER *for the* STUDY of INTELLIGENCE

Central Intelligence Agency

# Central Intelligence: Origin and Evolution

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*Central Intelligence Agency*  
*Washington, DC*  
*2001*



## Foreword

In May 2001, President George W. Bush directed that the Director of Central Intelligence commission the first in-depth study of the nation's Intelligence Community in three decades. The panels appointed by DCI George Tenet will soon provide him, and the President, with their findings about the shape of the changing international order and the ability of the Intelligence Community to respond to the national security challenges and opportunities of the 21<sup>st</sup> Century.

After the panels present their findings, the Central Intelligence Agency's Center for the Study of Intelligence, in conjunction with the Institute for the Study of Diplomacy at Georgetown University, intends to sponsor a conference to examine the transition required of the Intelligence Community. Panelists and attendees will strive to gain a clearer idea of what in our new era constitutes "intelligence" to policymakers, diplomats, commanders, and law enforcement officials. Conferees will also examine the ways in which the components of the Intelligence Community have adapted since the Cold War and the areas where change is still needed.

What is the future of "central" intelligence? The creators of the CIA in Congress and the White House believed that the reforms accomplished by the National Security Act of 1947 would minimize problems that had lulled the nation's vigilance before Pearl Harbor. The centralization implied in the Truman administration's directives and the National Security Act never fully occurred, however, mainly because of the limits on DCI powers codified in that very Act. As the Cold War recedes into the past and a new world order emerges, it is important to understand why intelligence was centralized in the form it was, and to explore differing views about its future. The assault on New York's World Trade Center towers and the Pentagon in Washington bring this question into very sharp focus.

Michael Warner of the CIA History Staff in the Center for the Study of Intelligence has compiled a set of key declassified laws, executive orders, NSCIDs, DCIDs, and policy documents guiding the role and growth of the central intelligence function from 1945 to 2000. As a member of the staff that assisted in the preparation of the NSPD-5 report, Dr. Warner observed at close hand the ways in which the assumptions and charters of the Intelligence Community have endured over the decades and the fates of various attempts to modify them. His draft introduction to this volume informed the work of the NSPD-5 staff, and I commend it to students of the Intelligence Community for its scope and its insight.

Admiral David E. Jeremiah,  
United States Navy (Retired)  
September 2001



# CONTENTS

<b>Foreword</b> .....	ii
<b>Historical Perspective</b> .....	1
<b>Reference Documents</b>	
1. Harry S. Truman to the Secretaries of State, War, and Navy, 22 January 1946....	19
2. National Intelligence Authority Directive 5, 8 July 1946.....	23
3. The National Security Act of 1947, Section 102, 26 July 1947 .....	27
4. National Security Council Intelligence Directive 1, <i>Duties and Responsibilities</i> , 12 December 1947 .....	33
5. National Security Council Intelligence Directive 1, <i>Duties and Responsibilities</i> , 7 July 1949.....	37
6. National Security Council Intelligence Directive 1, <i>Duties and Responsibilities</i> , 19 January 1950 .....	41
7. National Security Council Intelligence Directive 1, <i>Duties and Responsibilities</i> , 28 March 1952 .....	45
8. Dwight D. Eisenhower to the National Security Council and the Director of Central Intelligence [Allen W. Dulles], 5 August 1957.....	49
9. National Security Council Intelligence Directive 1, <i>Basic Duties and Responsibilities</i> , 21 April 1958.....	51

10. National Security Council Intelligence Directive 1, <i>Basic Duties and Responsibilities</i> , 15 September 1958 .....	55
11. National Security Council Intelligence Directive 1, <i>Basic Duties and Responsibilities</i> , 18 January 1961 .....	61
12. John F. Kennedy, Memorandum for the Director of Central Intelligence [John A. McCone], 16 January 1962 .....	67
13. National Security Council Intelligence Directive 1, <i>Basic Duties and Responsibilities</i> , 4 March 1964.....	69
14. Richard M. Nixon to the Secretary of State et al., <i>Organization and Management of the US Foreign Intelligence Community</i> , 5 November 1971.....	75
15. National Security Council Intelligence Directive 1, <i>Basic Duties and Responsibilities</i> , 17 February 1972.....	83
16. Gerald R. Ford, Executive Order 11905, <i>United States Foreign Intelligence Activities</i> , 18 February 1976 .....	89
17. Jimmy Carter, Executive Order 12036, <i>United States Intelligence Activities</i> , 24 January 1978 .....	103
18. Ronald Reagan, Executive Order 12333, <i>United States Intelligence Activities</i> , 4 December 1981 .....	127
19. George J. Tenet, Director of Central Intelligence Directive 1/1, <i>The Authorities and Responsibilities of the Director of Central Intelligence as Head of the US Intelligence Community</i> , 19 November 1998 .....	145

## Historical Perspective

“...what have appeared to be the most striking successes have often, if they are not rightly used, brought the most overwhelming disasters in their train, and conversely the most terrible calamities have, if bravely endured, actually turned out to benefit the sufferers.”

Polybius, *The Rise of the Roman Empire*,  
Book III, 7

The explosions at Pearl Harbor still echoed in Washington when President Harry Truman and Congressional leaders passed the National Security Act of 1947. A joint Congressional investigation just a year earlier had concluded that the Pearl Harbor disaster illustrated America’s need for a unified command structure and a better intelligence system.<sup>1</sup> Indeed, the President and many of his aides rightly believed that the surprise attack could have been blunted if the various commanders and departments had coordinated their actions and shared their intelligence. With that thought in mind, the creators of the National Security Act attempted to implement the principles of unity of command and unity of intelligence, fashioning a National Security Council, a Secretary of Defense, a statutory Joint Chiefs of Staff and a Central Intelligence Agency.

In almost the next breath, however, the National Security Act made important concessions to the traditional American distrust of large military establishments and centralized power. The Act (among other qualifications) ensured that the Joint Chiefs would not become a Prussian-style “General Staff,” created an independent air force, and insisted that the new Central Intelligence Agency (CIA) would have no law enforcement powers. The Act also decreed that the intelligence divisions in the armed services and the civilian departments (what came to be called the “Intelligence Community”) would remain independent of the CIA.

Since 1947 Directors of Central Intelligence (DCIs) have served within the bounds of this ambiguous mandate. They have had the responsibility of coordinating national intelligence collection and production without a full measure of the authority they needed to do so. Many Presidents and Congresses—not to mention DCIs—have expressed their frustration with this ambiguity and have assumed that the solution to the dilemmas it created lay in concentrating more power in the office of the Director of Central Intelligence. This centralizing impulse has prompted various reforms to increase the Director’s ability to lead the Intelligence Community. For years these attempts were made by the National Security Council (NSC) through a series of NSC Intelligence

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<sup>1</sup> Joint Committee on the Investigation of the Pearl Harbor Attack, “Investigation of the Pearl Harbor Attack,” 79<sup>th</sup> Congress, 2<sup>nd</sup> Session, 1946, pp. 252-253. (U)

Directives. In the wake of “the time of troubles” for the Intelligence Community in the mid-1970s—marked by investigations into questions about excesses and accountability—three Presidents issued successive executive orders aimed at one goal: rationalizing American intelligence and increasing the DCI’s power. Since the end of the Cold War, Congress itself has taken up the task, repeatedly amending the intelligence sections of the National Security Act.

The various regulations and amendments, however, have not fundamentally altered the “federalist” intelligence structure created in 1947. Strong centrifugal forces remain, particularly in the Department of Defense and its Congressional allies. Indeed, the case for centralization seems to be countered by historical illustrations of the perils of excessive concentration. In actual practice, the successful end to the Cold War and the lack of any national intelligence disasters since then seem to militate in favor of keeping the existing structure until some crisis proves it to be in dire need of repair.

## **Reform After World War II**

The Agency began its statutory existence in September 1947—its creation ratifying, in a sense, a series of decisions taken soon after the end of the Second World War.<sup>2</sup> That conflict ended in the summer of 1945 with Washington decisionmakers in broad agreement that the United States needed to reform the intelligence establishment that had grown so rapidly and haphazardly during the national emergency. Nevertheless, when President Truman dissolved the wartime Office of Strategic Services (OSS) in September 1945 he had no clear plan for constructing the peacetime intelligence structure that he and his advisers believed they needed in an atomic age. President Truman wanted the reforms to be part and parcel of the “unification” of the armed services, but the overhaul of the military that the President wanted would take time to push through Congress.<sup>3</sup> In the interim, he created a Central Intelligence Group (CIG) to screen his incoming cables and supervise activities left over from the former OSS.

In early 1946, the White House authorized CIG to evaluate intelligence from all parts of the government, and to absorb the remnants of OSS’s espionage and counterintelligence operations.<sup>4</sup> Initially these disparate components of the new CIG

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<sup>2</sup> Shorthand reference to “the Agency” is commonly used, and is used herein, as synonymous with CIA. “Community” has long been used, and is herein, to denote the totality of US executive branch organizations that produce and provide foreign intelligence to US policymakers and military commanders.

<sup>3</sup> “Text of the President’s Message to Congress Asking Unification of the Army and Navy,” *New York Times*, 20 December 1945, p. 14.

<sup>4</sup> President Truman’s 22 January 1946 directive establishing CIG is reprinted in US Department of State, *Foreign Relations of the United States, 1945-1950, Emergence of the Intelligence Establishment* (Washington, DC: United States Government Printing Office, 1996) [hereafter cited as *FRUS*], pp. 178-179. The first DCI, Sidney Souers, recalled in 1954 that he had been part of the collective effort (leading to CIG’s establishment) to create “a central intelligence agency” that would ensure that national security policymakers “all would get the same intelligence—in contrast to the system that had prevailed, where the OSS would give one bit of intelligence to the President and not any to the secretaries of the military departments and the State Department, who had some responsibility to advise the President.” Quoted in

shared little in common except an interest in foreign secrets and a sense that both strategic warning and clandestine activities abroad required “central” coordination. Indeed, these two missions came together in CIG almost by accident. Under the first two Directors of Central Intelligence, however, CIG and the Truman administration came to realize how strategic warning and clandestine activities complemented one another.

Meanwhile, the military “unification” issue overshadowed intelligence reform in Congressional and White House deliberations. In mid-1946 President Truman called again on Congress to unify the armed services. That April, the Senate’s Military Affairs committee had approved a unification bill that provided for a central intelligence agency, but the draft legislation had snagged in the hostile Naval Affairs committee.<sup>5</sup> Perhaps with that bill in mind, Secretary of War Robert Patterson and Secretary of the Navy James Forrestal in May agreed among themselves that a defense reorganization bill should also provide for a central intelligence agency. President Truman the following month sent Congress the result of the Secretaries’ accord (with modifications of his own), repeating his call for lawmakers to send him a unification bill to sign.<sup>6</sup>

The administration’s judgment that a central intelligence agency was needed soon firmed into a consensus that the new Central Intelligence Group ought to form the basis of this new intelligence agency. Indeed, CIG continued to accrue missions and capabilities. Oversight of the CIG was performed by a committee called the National Intelligence Authority (NIA), comprising the Secretaries of State, War, and Navy, joined by the President’s chief military adviser, Admiral William Leahy. National Intelligence Authority Directive 5, issued on 8 July 1946, provided the DCI with the basic implementation plan for the broad scope of powers envisioned in President Truman’s charter for CIG. Indeed, it was NIAD-5 that created the real difference between OSS—an operations office with a sophisticated analytical capability—and CIG, a truly (albeit fledgling) national intelligence service authorized to perform strategic analysis and to conduct, coordinate and control clandestine activities abroad.

NIAD-5 represented perhaps the most expansive charter ever granted to a Director of Central Intelligence. It allowed CIG to “centralize” research and analysis in “fields of national security intelligence that are not being presently performed or are not being adequately performed.”<sup>7</sup> NIAD-5 also directed the DCI to coordinate all US foreign intelligence activities “to ensure that the over-all policies and objectives established by this Authority are properly implemented and executed.” The National Intelligence Authority through this directive ordered the DCI to conduct “all organized Federal espionage and counter-espionage operations outside the United States and its

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Ralph E. Weber, ed., *Spymasters: Ten CIA Officers in Their Own Words* (Wilmington, DE: Scholarly Resources, 1999), p. 3.

<sup>5</sup> David F. Rudgers, *Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947* (Lawrence, KS: University of Kansas Press, 2000), p. 107.

<sup>6</sup> Anthony Leviero, “Truman Offers Congress 12-Point Program to Unify Armed Services of Nation,” *New York Times*, 16 June 1946. For the Patterson-Forrestal accord in May 1946, see Walter Millis, ed., *The Forrestal Diaries* (New York: Viking, 1951), p. 163.

<sup>7</sup> National Intelligence Authority Directive number 5, 8 July 1946, reprinted in *FRUS*, pp. 391-392.

possessions for the collection of foreign intelligence information required for the national security.”

In NIAD-5, the National Intelligence Authority determined that many foreign intelligence missions could be “more efficiently accomplished centrally” and gave CIG the authority to accomplish them. This in effect elevated CIG to the status of being the primary foreign intelligence arm of the US government. This mandate did not, however, give CIG the controlling role in intelligence analysis that DCI Hoyt Vandenberg had sought. The NIA’s authorization was carefully phrased to allay fears that the DCI would take control of departmental intelligence offices; the Cabinet departments were not about to subordinate their own limited analytical capabilities to an upstart organization. In addition, NIAD-5 did not force a consolidation of clandestine activities under CIG control. Indeed, the Army defended the independence of its Intelligence Division’s own collection operations by arguing that NIAD-5 gave CIG control only over “organized” foreign intelligence operations.

### **National Security Act of 1947**

Congress initially paid scant attention to the new Central Intelligence Group. Indeed, CIG had been established with no appropriations and authority of its own precisely to keep it beneath Congressional scrutiny. As CIG gained new authority in 1946 and the White House gained confidence in its potential, however, a consensus emerged in Congress that postwar military reforms would not be complete without a simultaneous modernization of American intelligence capabilities.

The budding consensus even survived the death of the Truman administration’s cherished unification bill in 1946. Ironically, prospects for unification only brightened when the opposition Republicans subsequently swept into control of the Congress in that year’s elections, taking over the committee chairmanships and displacing powerful Democrats who had made themselves (in Harry Truman’s words) “the principal stumbling blocks to unification.”<sup>8</sup> With the President’s goal of military modernization suddenly in sight, the White House firmly told DCI Vandenberg that enabling legislation for CIG would remain a small part of the defense reform bill then being re-drafted by the President’s aides, and that the intelligence section would be kept as brief as possible in order to ensure that none of its details hampered the prospects for unification.<sup>9</sup>

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<sup>8</sup> Harry S Truman, *Memoirs*, Volume II, *Years of Trial and Hope* (Garden City, NY, Doubleday, 1956), pp. 46-47.

<sup>9</sup> Admiral Forrest Sherman, a member of the White House team that drafted the bill, later told the House Committee on Expenditures that he and his colleagues feared that a detailed CIA section would prompt Congress to seek similar levels of detail in the armed services’ sections of the bill, forcing a re-opening of the drafting process and possibly encumbering the draft with controversial specifics. See Lyle Miller’s declassified draft, “Legislative History of the Central Intelligence Agency—National Security Act of 1947,” Central Intelligence Agency (Office of Legislative Council), 25 July 1967, p. 72.

This tactic almost backfired. When President Truman sent his new bill forward in February 1947, the brevity of its intelligence provisions had the effect of attracting—not deflecting—Congressional scrutiny. Members of Congress eventually debated almost every word of the intelligence section, and made various adjustments. Ultimately, however, Congress passed what was essentially the White House’s draft with important sections transferred (and clarified in the process) from Truman’s 22 January 1946 directive establishing CIG—thus ratifying the major provisions of that directive. Thus the Central Intelligence Agency would be an independent agency under the supervision of the National Security Council; it would conduct both analysis and clandestine activities, but would have no policymaking role and no law enforcement powers; its Director would be confirmed by the Senate and could be either a civilian or a military officer.

What did Congress believe the new CIA would do? Testimony and debates over the draft bill unmistakably show that the lawmakers above all wanted CIA to provide the proposed National Security Council—the new organization that would coordinate and guide American foreign and defense policies—with the best possible information on developments abroad. Members of Congress described the information they expected CIA to provide as “full, accurate, and skillfully analyzed”; “coordinated, adequate” and “sound.” Senior military commanders testifying on the bill’s behalf used similar adjectives, saying the CIA’s information should be “authenticated and evaluated”; “correct” and based on “complete coverage.” When CIA provided such information, it was believed, the NSC would be able to assess accurately the relative strengths and weaknesses of America’s overseas posture and adjust policies accordingly.<sup>10</sup>

Congress guaranteed CIA’s independence and its access to departmental files in order to give it the best chance to produce authoritative information for the nation’s policymakers. CIA was to stand outside the policymaking departments of the government, the better to “correlate and evaluate intelligence relating to the national security.”<sup>11</sup> Although other departments and agencies would continue to handle intelligence of national importance, the Agency was the only entity specifically charged by the Act with the duty of producing it. To assist in the performance of this duty, the DCI had the right to “inspect” all foreign intelligence held by other agencies, as well as the right to disseminate it as appropriate. If the DCI happened to be a military officer, then he was to be outside the chain of command of his home service; this would help him resist any temptation to shade his reports to please his superiors.<sup>12</sup> Finally, the Agency was to provide for the US Government such “services of common concern” that the NSC would determine could more efficiently be conducted “centrally.” In practice, this meant

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<sup>10</sup> Quoted in Miller, “Legislative History,” pp. 40, 45, 47, 48, 50.

<sup>11</sup> Sec. 102(d)3. The phrase came from President Truman’s 22 January 1946 directive establishing CIG; see *FRUS*, p 178. The original pages of the intelligence section of the National Security Act of 1947 are reproduced in Michael Warner, ed., *The CIA under Harry Truman* (Washington: Central Intelligence Agency, 1994), pp. 131-135.

<sup>12</sup> The Act was amended in 1953 to provide for a Deputy Director of Central Intelligence (DDCI) with the stipulation (since removed) that the positions of DCI and DDCI must not “be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.”

espionage and other clandestine activities, as well as the collection of valuable information from open sources and American citizens.

Having approved the placement of these authorities and activities under one head, Congress in 1947 expected that CIA would provide the best possible intelligence and would coordinate clandestine operations abroad. Congress also implicitly assumed that the executive branch would manage CIA and the Intelligence Community with these purposes in mind.<sup>13</sup> After fixing this course in the statute books, Congress stepped back and left the White House and CIA to meet these expectations. This was how Congress resolved the apparent contradiction of creating “central intelligence” that was not centrally controlled. The institution of central intelligence would henceforth steer between the two poles of centralization and departmental autonomy.

### **Not Only National But Central**

Congress passed the National Security Act on 26 July 1947 and President Truman immediately signed it into law. The act gave America something new in the annals of intelligence history; no other nation had structured its foreign intelligence establishment in quite the same way. CIA would be an independent, central agency, but not a controlling one; it would both rival and complement the efforts of the departmental intelligence organizations.<sup>14</sup> This prescription of coordination without control guaranteed friction and duplication of intelligence efforts as the CIA and the departmental agencies pursued common targets, but it also fostered a potentially healthy competition of views and abilities.

The National Security Council guided the Intelligence Community by means of a series of directives dubbed NSCIDs (the acronym stands for National Security Council Intelligence Directive). The original NSCIDs were issued in the months after the passage of the National Security Act. Foremost was NSCID 1, titled “Duties and

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<sup>13</sup> Ludwell Montague believed the term “Intelligence Community” made its earliest documented appearance in the minutes of a 1952 meeting of the Intelligence Advisory Committee. For the sake of consistency the term Intelligence Community is used throughout this essay, even though the size and composition of the community has changed and now includes several large entities that did not exist when the National Security Act was passed in 1947. For example, of today’s 13 intelligence organizations in the community, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office and the National Imagery and Mapping Agency are among the eight intelligence organizations that come under the Department of Defense. The only independent agency (that is, not part of a policy department) is CIA. For the 1952 usage of the term, see Ludwell Lee Montague, *General Walter Bedell Smith as Director of Central Intelligence: October 1950—February 1953* (University Park, PA: Pennsylvania State University Press, 1992), p. 74.

<sup>14</sup> At the time the Act went into effect, the intelligence agencies of the US government comprised the Central Intelligence Agency, the Federal Bureau of Investigation, the Office of Intelligence Research (State), the Intelligence Division (Army), the Office of Naval Intelligence, the Directorate of Intelligence (Air Force), and associated military signals intelligence offices, principally the Army Security Agency and the Navy’s OP-20-G.

Responsibilities,” which replaced NIAD-5 and established the basic responsibilities of the DCI and the interagency workings of the Intelligence Community.<sup>15</sup>

NSCID 1 did not re-write NIAD-5, but instead started afresh in the light of the debate over the National Security Act and the experience recently gained by the new CIA. Where the earlier document had authorized the DCI to coordinate “all Federal foreign intelligence activities” and sketched the initial outlines of his powers, NSCID 1 had to work within the lines already drawn by Congress and precedent. The Director who emerged from NSCID 1 was more circumscribed in his role and authority than previously. He was now to “make such surveys and inspections” as he needed in giving the NSC his “recommendations for the coordination of intelligence activities.” Nonetheless, the DCI was—in keeping with Congress’ implicit intent in the National Security Act—a substantial presence in the intelligence establishment. NSCID 1 gave the DCI an advisory committee comprising the heads of the departmental intelligence offices, and told him to “produce” intelligence (but to avoid duplicating departmental functions in doing so). The type of intelligence expected of him and his Agency was “national intelligence,” a new term for the information that the National Security Act called “intelligence relating to the national security.”<sup>16</sup> The DCI was also to perform for the benefit of the existing agencies such “services of common concern” as the NSC deemed could best be provided centrally. The NSC left the particulars of these responsibilities to be specified in accompanying NSCIDs (which eventually numbered 2 through 15 by the end of the Truman administration in 1953).<sup>17</sup>

Under this regime, DCIs were faced with contradictory mandates: they *could* coordinate intelligence, but they *must not* control it. Since the prohibitions in the statute and the NSCIDs were so much clearer than the permissions, every DCI naturally tended to steer on the side of looser rather than tighter oversight of common Intelligence Community issues. Because of this tendency to emphasize coordination instead of control, CIA never quite became the integrator of US intelligence that its presidential and congressional parents had envisioned. The DCI never became the manager of the Intelligence Community, his Agency never won the power to “inspect” the departments’

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<sup>15</sup> All versions of NSCID 1 have been declassified and are available at the National Archives and Records Administration, Record Group 263 (CIA), NN3-263-91-004, box 4, HS/HC-500.

<sup>16</sup> NSCID 3 (13 January 1948) defined national intelligence as “integrated departmental intelligence that covers the broad aspects of national policy and national security, is of concern to more than one Department or Agency, and transcends the exclusive competence of a single Department or Agency or the Military Establishment.” Its opposite was “departmental” intelligence, which NSCID 3 defined as intelligence needed by a department or agency “to execute its mission and discharge its lawful responsibilities;” see *FRUS*, p. 1109. Executive Order 11905 in 1976 retained “national intelligence” but changed its opposite to a phrase used in President Nixon’s 1971 letter, “tactical intelligence” (which the executive order did not further define, apart from saying that the DCI shall not have responsibility for it). E.O. 11905 also added the overarching term “foreign intelligence,” defining it as information “on the capabilities, intentions, and activities of foreign powers, organizations or their agents.”

<sup>17</sup> It bears noting that the NSCIDs endorsed the NIA’s 1946 assignment of the two main missions (strategic warning and the coordination of clandestine activities abroad) to the DCI and his Central Intelligence Group. In particular, NSCID 5 (12 December 1947) reaffirmed NIAD-5 in directing that the DCI “shall conduct all organized Federal espionage operations outside the United States...except for certain agreed activities by other Departments and Agencies.” See *FRUS*, p. 1106.

operational plans or to extract community-wide consensus on disputed analytical issues, and CIA never had authority over all clandestine operations of the US Government.

## Revisions and Oversight

This federalized intelligence structure did not satisfy the White House. Indeed, presidents from Dwight Eisenhower through Richard Nixon sought to adjust the NSCIDs to improve the functioning of the Intelligence Community, primarily by pushing successive DCIs to exert more control over common community issues and programs. President Eisenhower paid particular attention to this issue, approving in 1958 the first major revisions of NSCID 1. The September 1958 version of the revised directive added a preamble stressing the need for efficiency across the entire national intelligence effort, and began its first section by declaring “The Director of Central Intelligence shall coordinate the foreign intelligence activities of the United States....”

The September 1958 version of NSCID 1 also added a section on “community responsibilities” that listed the duties of the DCI to foster an efficient Intelligence Community and to ensure the quality of the intelligence information available to the US Government. It also emphasized to the existing departments and agencies their responsibilities to assist the DCI in these tasks. To this end, the new NSCID 1 created the United States Intelligence Board (USIB), a panel chaired by the DCI—with the Deputy Director of Central Intelligence (the DDCI) representing CIA—to coordinate a range of cooperative activities through a network of interagency committees. USIB soon built a sophisticated set of procedures, prompting former CIA Executive Director Lyman Kirkpatrick in 1973 to declare that “the USIB structure provides the community with probably the broadest and most comprehensive coordinating mechanism in the history of any nation’s intelligence activities.”<sup>18</sup>

In 1971 President Nixon turned to the topic of intelligence reform and issued a directive that precipitated the first major revision of NSCID 1 in over a decade. In the spirit of President Eisenhower’s earlier initiatives, Nixon authorized a full-dress study of Intelligence Community cooperation, with an emphasis on cutting its costs and increasing its effectiveness. A committee headed by James Schlesinger of the Office of Management and Budget recommended major reforms, among them a greater role for the DCI in managing the Intelligence Community. President Nixon directed the adoption of many of these recommendations in a 5 November 1971 letter to the cabinet secretaries and senior policymakers who oversaw the community’s far-flung components.<sup>19</sup> The NSC issued a revised NSCID 1 in February 1972 to disseminate the new guidance to the community.

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<sup>18</sup> Lyman B. Kirkpatrick, Jr., *The US Intelligence Community: Foreign Policy and Domestic Activities* (New York: Hill & Wang, 1973), p. 39.

<sup>19</sup> Richard Nixon to the Secretary of State et al., “Organization and Management of the US Foreign Intelligence Community,” 5 November 1971.

The new version retained much of the earlier text, while adding that the DCI had “four major responsibilities.” He was to plan and review all intelligence activities and spending, submitting annually to the White House the community’s overall “program/budget”; to produce national intelligence for the President and policymakers; to chair all community-wide advisory panels, and to establish intelligence requirements and priorities. In addition, the 1972 NSCID 1 established several objectives to guide the DCI in discharging these responsibilities. He was to seek the attainment of greater efficiency, better and more timely intelligence; and, perhaps most of all, “authoritative and responsible leadership for the community.” The provision for DCI authority (albeit limited) over the Intelligence Community budget was new and significant; henceforth all subsequent directives governing the community would place at least one of the DCI’s hands on the collective purse strings.

The years that followed the issuance of the 1972 version of NSCID 1 witnessed dramatic changes in the policy dynamic surrounding the Intelligence Community. For several reasons—many of them related to the Vietnam War and the Watergate scandal, but including Agency misdeeds under earlier administrations as well—Congress began to impose itself directly on CIA and other parts of the Intelligence Community in the mid-1970s. The White House responded to the new mood in Congress by acting to protect what it defended as the exclusive prerogatives of the executive branch. Republican and Democratic Presidents had long been content to delegate the chore of overseeing the community to the National Security Council, but President Gerald Ford, concerned that Congress would re-write the statutes undergirding the Intelligence Community, intervened with an executive order that supplanted the earlier NSCIDs.

Executive Order 11905 (18 February 1976) retained much of the language of the 1972 NSCID 1, but added much else as well. Most prominently, it established a lengthy list of restrictions on intelligence activities, which ran the gamut from a prohibition on the perusal of federal tax returns to a ban on “political assassination.” E.O. 11905 also revisited the traditional ground covered by the now-obsolete NSCID 1 series, assigning “duties and responsibilities” to the DCI and the various members of the Intelligence Community.

President Ford’s executive order did not diverge noticeably, however, from the earlier listings of the DCI’s duties. These were now to be: acting as “executive head of the CIA and Intelligence Community staff;” preparing the community’s budget, requirements and priorities; serving as “primary adviser on foreign intelligence,” and implementing “special activities” (i.e., covert action). Indeed, E.O. 11905 encouraged the DCI to devote more energy to “the supervision and direction of the Intelligence Community.” In this spirit, it revived an Eisenhower administration idea and urged the DCI to delegate “the day-to-day operation” of CIA to his Deputy Director for Central Intelligence.

President Jimmy Carter superseded E.O. 11905 with his own Executive Order 12036 barely two years later. The new order retained basically the same (albeit re-ordered) list of duties for the DCI in his dual role as manager of the Intelligence

Community and head of CIA. It also revamped the old United States Intelligence Board, expanding the list of topics on which it was to advise the DCI and renaming it the National Foreign Intelligence Board (NFIB). Where E.O. 12036 differed from preceding directives was in tasking the DCI to oversee the Intelligence Community budget. President Ford's executive order had created a three-member committee, chaired by the DCI, to prepare the budget and, when necessary, to reprogram funding.<sup>20</sup> Under the new provisions of E.O. 12036, however, the DCI now had "full and exclusive responsibility for approval of the National Foreign Intelligence Program budget." These combined powers were somewhat less sweeping than under E.O. 11905, but more concentrated in now being vested in the DCI alone. He would issue guidance to the community for program and budget development, evaluate the submissions of the various agencies, justify them before Congress, monitor implementation, and he could (after due consultation) reprogram funds.

President Ronald Reagan in his turn replaced the Carter directive with Executive Order 12333 (4 December 1981), which remains in effect today. The new order deleted provisions for the NFIB and other boards, allowing the DCI to arrange interagency advisory panels as he needed (DCI William Casey quickly reinstated the NFIB on his own authority). This was, however, almost the only enhancement of the DCI's power in an executive order that otherwise stepped back slightly from the centralization decreed by President Carter. Specifically, E.O. 12333 diluted DCI authority over the National Foreign Intelligence Program budget that E.O. 12036 had briefly strengthened. Where Carter had explicitly made the DCI the manager of the NFIP budgeting process, Reagan instead outlined a leading role for the DCI in developing the budget, reviewing requests for the reprogramming of funds and monitoring implementation. The change was not dramatic, but it was significant.

Management of the Intelligence Community by executive order during this period did not forestall increased Congressional oversight. In the 1970s both houses of Congress had created permanent intelligence oversight committees and passed legislation to tighten control of covert action. With the renewed polarization of foreign policy debates in the 1980s, both Republican and Democratic officials and lawmakers sought to "protect" intelligence from allegedly unprincipled forces that might somehow co-opt and abuse it to the detriment of the community and the nation's security. Responding to these concerns, Congress further toughened the new regulatory, oversight, and accountability regime to check the powers and potential for abuses at CIA and other agencies. Congress ensured permanence for these changes by codifying them as amendments to law, particularly to the National Security Act of 1947.

By the late 1980s, Congress's increased oversight role (and its new appetite for finished intelligence) prompted then-DDCI Robert Gates to comment publicly that CIA "now finds itself in a remarkable position, involuntarily poised nearly equidistant

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<sup>20</sup> The panel had been created by E.O. 11905, which titled it the "Committee on Foreign Intelligence"; it comprised the DCI (chairman), the Deputy Secretary of Defense for Intelligence, and the Deputy Assistant to the President for National Security Affairs.

between the executive and legislative branches.”<sup>21</sup> Not until the 1990s, however, did these changes significantly affect the “duties and responsibilities” of the DCI and the Intelligence Community.

### **Into a New Era**

For the duration of the Cold War, the White House kept nudging successive Directors of Central Intelligence to do more to lead the Intelligence Community. DCIs more or less tried to comply. The statutory and institutional obstacles to centralization, however, proved daunting. Each DCI held budgetary and administrative sway only over the Central Intelligence Agency; the much larger budgets and staffs of the intelligence agencies in the Department of Defense (and their smaller cousins in other departments) remained firmly under cabinet-level officials who saw no reason to cede power to a DCI. Faced with this reality, DCIs had tended to let their community coordination duties suffer and to concentrate on the management of the CIA. Congress had intended a different course, however, and in the 1990s the legislative branch began its own campaign to encourage greater coordination in the Intelligence Community.

The end of the Cold War saw a subtle shift in Congressional attitudes toward intelligence. With the political need for a “peace dividend” acutely felt, Congress and the White House oversaw a gradual decline in real defense spending that affected the Intelligence Community as well. Declining defense budgets soon meant relatively declining intelligence budgets, which in turn put a premium on cost-cutting, consolidation and efficiency. Similar concerns had surfaced during the debate over the creation of CIA (when demobilization, not the incipient Cold War, was still the primary consideration in defense budgeting).<sup>22</sup> To many members of Congress in 1992—as in 1947—the answer seemed to lie in increased authority for the DCI, who in turn could motivate a leaner, more agile Intelligence Community.

Congress in the 1990s partially supplanted E.O. 12333 with a series of amendments to the National Security Act. Those amendments were occasionally proscriptive (like the prohibitions added in the 1980s), but often they mandated various acts by the DCI. The intelligence-related passages of the National Security Act—which had hardly been amended at all before 1980—grew from 22 pages of text in the 1990 edition of the House Permanent Select Committee on Intelligence’s *Compilation of Intelligence Laws* to 48 pages in the 2000 version.<sup>23</sup>

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<sup>21</sup> Robert M. Gates, “The CIA and American Foreign Policy,” *Foreign Affairs* 66 (Winter 1987/88), p. 225.

<sup>22</sup> Rhodri Jeffreys-Jones, “Why Was the CIA Established in 1947?,” *Intelligence and National Security* 12 (January 1997), p. 30.

<sup>23</sup> Unless otherwise noted, all amendments to the National Security Act cited herein are published in the several editions (1993, 1998, or 2000) of the House Permanent Select Committee on Intelligence’s *Compilation of Intelligence Laws*.

Foremost among these amendments was the Intelligence Organization Act of 1992.<sup>24</sup> Inspired by the reforms of the Joint Chiefs of Staff accomplished in the 1986 Goldwater-Nichols Act, the legislation—for the first time in a statute—specified the roles (as opposed to the duties) of the Director of Central Intelligence.<sup>25</sup> The DCI was to serve as head of the Intelligence Community, as principal intelligence adviser to the president, and as head of the CIA. As principal intelligence adviser he was to provide the nation’s senior policymakers, commanders, and lawmakers with “national” intelligence that was “timely, objective, independent of political considerations, and based on all sources.” As head of the Agency he was to collect and evaluate intelligence (particularly from human sources), and to perform services of common concern and “such other functions and duties” as had been suggested since 1947. As head of the Intelligence Community he was to develop the Community’s budget, to advise the Secretary of Defense in the appointments of chiefs for the military’s joint intelligence agencies, to set collection requirements and priorities, to eliminate unneeded duplication, and to coordinate the community’s relationships with foreign intelligence services.

The Intelligence Organization Act also codified the DCI’s budgetary powers as described in E.O. 12333, considerably strengthening their provisions. The act decreed that the budgets of the various components of the Intelligence Community could not be incorporated into the annual National Foreign Intelligence Program until approved by the DCI, and required all agencies to obtain DCI approval before reprogramming any NFIP funds. In addition, the Act gave the Director something new: a carefully limited authority to shift funds and personnel from one NFIP project to another (provided he obtained approvals from the White House, Congress, and the affected agency’s head).

Events at mid-decade lent new urgency to the unfinished task of modernizing the Intelligence Community. At CIA, the arrest of Aldrich Ames and the spy scandal that ensued led to bipartisan calls for reform of the Agency. The subsequent Republican takeover of Congress in the 1994 elections seemed to provide an opportunity for sweeping changes in the community as a whole. Finally, the re-ordering of national priorities after the end of the Cold War had meant substantial budget cuts for the US

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<sup>24</sup> The Intelligence Organization Act was passed as part of the Intelligence Authorization Act for FY 1993. Much of its text came from S. 2198, introduced by Sen. David L. Boren (D-OK) and titled the “Intelligence Reorganization Act of 1992.” S. 2198 proposed a “Director of National Intelligence” to head the Intelligence Community; subordinate to this new officer would be the newly-styled “Director of the Central Intelligence Agency.” Senate Select Committee on Intelligence, “S. 2198 and S. 421 to Reorganize the United States Intelligence Community,” 102d Congress, 2d Session, 1992, p. 2. The companion bill in the House of Representatives was HR. 4165, which offered a milder version of the DNI proposal. See also Frank J. Smist, Jr., *Congress Oversees the United States Intelligence Community, 1947-1994* (Knoxville: University of Tennessee Press, 1994 [2d ed.]), pp. 286-287.

<sup>25</sup> The Goldwater-Nichols Act is widely credited with adding coherence to the Joint Chiefs of Staff structure—another creation of the National Security Act of 1947—which had long been viewed as fragmented and less effective than it should have been in advising the commander-in-chief. Among other reforms, Goldwater-Nichols strengthened the Chairman of the Joint Chiefs, naming him (as opposed to the Joint Chiefs as a body) the principal military adviser to the President, clarifying his place in the national chain of command, giving him a Vice Chairman and improving the Joint Staff. See Ronald H. Cole et al., *The Chairmanship of the Joint Chiefs of Staff* (Washington: Office of the Chairman of the Joint Chiefs of Staff [Joint History Office], 1995), pp. 25-38.

military, resulting in reduced budgets and lower personnel ceilings for the Intelligence Community.<sup>26</sup> While military and intelligence resources had been reduced in early 1990s, however, Washington committed American forces to several, major overseas deployments in Africa, the Balkans, the Middle East and the Caribbean.

The White House responded to the new situation by re-ordering intelligence priorities. The burgeoning military deployments demanded ever more tactical intelligence support, and President William Clinton issued a 1995 presidential order (PDD-35) instructing the Intelligence Community to provide it. Explaining his directive at CIA headquarters a few months later, he emphasized that the Community's first priority was to support "the intelligence needs of our military during an operation." Commanders in the field needed "prompt, thorough intelligence to fully inform their decisions and maximize the security of our troops."<sup>27</sup> Since the military spent most of the 1990s deployed in one peacekeeping operation after another (often with more than one taking place at a time), the result of the commitment in PDD-35 was a diversion of shrinking national, strategic intelligence resources to growing, tactical missions.

Congress took a little longer to respond. In 1995 Congressional and outside critics coalesced in no fewer than six separate panels to study the US intelligence effort and recommend reforms.<sup>28</sup> Almost all of the reports published by these groups endorsed a greater degree of centralization and enhanced authority for the Director of Central Intelligence.<sup>29</sup> The wide variance in the size and scope of the study groups—which

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<sup>26</sup> Commission on National Security/21<sup>st</sup> Century, *Road Map for National Security: Imperative for Change* (Washington: United States Government Printing Office, 2001), p. 82.

<sup>27</sup> President William J. Clinton, address to the US Intelligence Community, delivered at the Central Intelligence Agency's headquarters, 14 July 1995.

<sup>28</sup> The six panels' reports were: Commission on the Roles and Missions of the United States Intelligence Community [the Brown-Aspin commission], *Preparing for the 21<sup>st</sup> Century: An Appraisal of US Intelligence* (Washington: United States Government Printing Office, 1996); House Permanent Select Committee on Intelligence, "IC21: Intelligence Community in the 21<sup>st</sup> Century," 104<sup>th</sup> Cong., 2d Sess., 1996; Richard N. Haass, Project Director for the Independent Task Force, *Making Intelligence Smarter: The Future of US Intelligence* (New York: Council on Foreign Relations, 1996); Working Group on Intelligence Reform [Abram Shulsky and Gary Schmitt, authors], *The Future of US Intelligence* (Washington: Consortium for the Study of Intelligence, 1996); the Twentieth Century Fund Task Force on the Future of US Intelligence [Stephen Bosworth, chairman], *In From the Cold* (New York: Twentieth Century Fund Press, 1996), and Georgetown University's Institute for the Study of Diplomacy [John Hollister Hedley, author], *Checklist for the Future of Intelligence* (Washington: Institute for the Study of Diplomacy, 1995).

<sup>29</sup> The lone dissenter was the Consortium for the Study of Intelligence's report, overseen by Georgetown political scientist Roy Godson and Harvard historian Ernest May. Its authors concluded:

*... the failure of centralization efforts can be seen as reflecting the reasonable needs of the various components of the national security bureaucracy. In any case, the centralized model was probably better suited to the Cold War, with its emphasis on "national" level intelligence about the Soviet strategic nuclear threat, than to the present period when departmental, regional, and tactical intelligence requirements have exploded and gained new urgency. [See pp. xiv-xv.]*

ranged in stature from academic colloquia to the presidentially-appointed “Brown-Aspin” commission—seemed to highlight their basic agreement on this issue. The Brown-Aspin commission report perhaps expressed the feeling best. After considering arguments for decentralization, the report cited President Truman’s disgust with the bureaucratic rivalry that “contributed to the disaster at Pearl Harbor” and concluded that “returning to a more decentralized system would be a step in the wrong direction.” The report declined to suggest alterations in “the fundamental relationship between the DCI and the Secretary of Defense,” but nonetheless urged a strengthening of “the DCI’s ability to provide centralized management of the Intelligence Community.”<sup>30</sup>

Congress heeded the conclusions and the recommendations of these several reports when it drafted the Intelligence Renewal and Reform Act of 1996. That Act, among its other provisions, required the Secretary of Defense to win the concurrence of the DCI in appointing directors for the National Security Agency, the new National Imagery and Mapping Agency, and the National Reconnaissance Office. Under the Act, the DCI would also write (for the NSC) annual performance appraisals of these three agencies.<sup>31</sup> The Act also gave the DCI several new aides (nominated by the President and confirmed by the Senate) to assist in managing the Intelligence Community: a Deputy Director of Central Intelligence for Community Management, as well as Assistant Directors of Central Intelligence for Collection, Analysis and Production, and Administration. It also enhanced the DCI’s role as an adviser to the Pentagon’s tactical and inter-service intelligence programs, strengthened his limited ability to “reprogram” money and personnel between national intelligence programs and created a sub-committee of the NSC to establish annual priorities for the Intelligence Community.

Congress did not, however, resist the shift of national means to tactical ends. The shift of intelligence resources toward support for military operations worried officials and observers of the Intelligence Community. Indeed, DCI Robert Gates complained as early as 1992 that cuts in the defense budget were forcing the military to trim tactical intelligence programs and pass their work on to the “national” intelligence services.<sup>32</sup> PDD-35 seemed to make the situation even more acute. More than one appraisal in the year after its issuance warned that “support to the warfighter” could demand a disproportionate share of intelligence efforts; a Congressional study even blamed PDD-35, in part, for this development.<sup>33</sup> Nevertheless, these worries remained on the margins of the debate for several more years.

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The Twentieth Century Fund’s report did not discuss the DCI’s responsibilities or the centralization issue, although a “Background Paper” by Allan E. Goodman (bound with the report) implicitly endorsed greater powers for the DCI; see p. 78.

<sup>30</sup> Commission on Roles and Missions, *Preparing for the 21st Century*, pp. xix, 51-52.

<sup>31</sup> See Sections 808 and 815 of the Intelligence Authorization Act for Fiscal Year 1997; *Compilation of Intelligence Laws* (1998).

<sup>32</sup> Testimony of Robert Gates on 1 April 1992 at the Joint Hearing, Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence, “S. 2198 and S. 421 to Reorganize the United States Intelligence Community,” 102<sup>nd</sup> Cong., 2<sup>nd</sup> Sess., 1992, p. 108.

<sup>33</sup> For expressions of official and outside concern, see House Permanent Select Committee on Intelligence, “IC21: Intelligence Community in the 21<sup>st</sup> Century,” 104<sup>th</sup> Cong., 2d Sess., 1996, p. 245. See also the joint comment by Morton I. Abramowitz and Richard Kerr in Richard N. Haass, Project Director for the

## Contradictory Impulses

The net effect of the changes made both by the White House and by Congress under both Republican and Democratic majorities was to urge the DCI to exercise more control over the Intelligence Community while limiting his freedom to allocate “national” intelligence resources among competing priorities. Members of Congress collectively seemed impatient with executive branch implementation of reforms to streamline and motivate the community during a long decade of shrinking real defense budgets. At the same time, however, no Congress seriously considered forcing the various civilian and military agencies into a unitary system with a Director of Central Intelligence (or whatever the title) transformed into a true intelligence czar. The executive branch neither assisted nor resisted this congressional impulse to enhance the DCI’s authority and the centralization of the Intelligence Community. In effect, however, the White House’s aforementioned actions with regard to intelligence were anything but neutral.

The contradictory impulses affecting the Intelligence Community showed in the way the executive and legislative branches together crafted a 1996 law, the National Imagery and Mapping Agency (NIMA) Act, which created the Department of Defense agency of that name out of components from CIA and Defense. While this marked a diminution of the DCI’s direct control over imagery analysis, the NIMA Act took pains to preserve DCI authority to prioritize assignments for “national imagery collection assets” and to resolve conflicts among competing priorities.<sup>34</sup> The net effect was ambiguous; the DCI and the CIA lost actual, day-to-day control over an important component of the Intelligence Community, but gained a statutory voice in the nation’s employment of that component.

In 1998 DCI George Tenet issued a reconstituted series of Director of Central Intelligence Directives (DCIDs), led by a new DCID-1/1, titled “The Authorities and Responsibilities of the Director of Central Intelligence as Head of the US Intelligence Community.” DCIDs had traditionally not been issued as policy statements; they had essentially been implementing documents for the policies established in the NSCIDs (and later in the executive orders). DCID 1/1 stayed well within this tradition, but provided an important reference for the entire community by arranging and citing in one document the key passages of Executive Order 12333 and the amended National Security Act.

The preface to DCID 1/1 stated that it was only intended to be “illustrative.” Indeed, readers were directed to the citations “for controlling language.” This spare format perhaps conveyed a message more powerful than its authors realized. The DCI’s new-found ability to cite so many passages of the United States Code to buttress his authority meant that his powers had grown substantially since its meager beginnings in

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Independent Task Force, *Making Intelligence Smarter: The Future of US Intelligence* (New York: Council on Foreign Relations, 1996), p. 38.

<sup>34</sup> See Section 1112 of the National Imagery and Mapping Agency Act, which was passed as part of the National Defense Authorization Act for Fiscal Year 1997; *Compilation of Intelligence Laws* (2000).

January 1946. The fact that a DCI felt the need to cite all those passages for the edification of Intelligence Community colleagues, however, suggests that his authority still had far to go.

The blurring of the divide between “national” and “tactical” intelligence seemed at decade’s end to provide unclear portents for the future of the DCI’s authority. By 2000 the earlier warnings were widely seen to have been accurate. A high-level study commission recently has complained that declining intelligence resources, combined with increased demands for “warning and crisis management,” have resulted in:

*. . .an Intelligence Community that is more demand-driven. . . . That demand is also more driven by military consumers and, therefore, what the Intelligence Community is doing is narrower and more short-term than it was two decades ago.*<sup>35</sup>

Another commission, reporting its findings on the National Reconnaissance Office, found in PDD-35 a lightning rod for its criticism:

*There appears to be no effective mechanism to alert policy-makers to the negative impact on strategic requirements that may result from strict adherence to the current Presidential Decision Directive (PDD-35) assigning top priority to military force protection. That Directive has not been reviewed recently to determine whether it has been properly applied and should remain in effect.*<sup>36</sup>

### **The Elusive Vision of Central Intelligence**

*Today, intelligence remains the only area of highly complex government activity where overall management across departmental and agency lines is seriously attempted.*<sup>37</sup>

Ten years past the end of the Cold War and five since the spate of reform proposals in 1996, this observation by the Brown-Aspin commission seems to remain valid. The Director of Central Intelligence is nominally stronger now; new laws and amendments have augmented his power to lead the Intelligence Community. Nevertheless, the community remains a confederated system, in which the DCI has leadership responsibilities greater than his responsibilities. The system seems roughly balanced between the need for central direction and the imperative to preserve departmental intelligence autonomy. If that balance perhaps appears to be less than optimal, there nevertheless is no obvious imperative to correct it in any fundamental way. Indeed, the 2001 report of the blue-ribbon “Commission on National Security/21<sup>st</sup>

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<sup>35</sup> Commission on National Security, *Road Map for National Security*, p. 82.

<sup>36</sup> National Commission for the Review of the National Reconnaissance Office, *Final Report* (Washington: United States Government Printing Office, 2000), p. 51.

<sup>37</sup> Commission on Roles and Missions, *Preparing for the 21<sup>st</sup> Century*, p. 47.

Century” (the Hart-Rudman commission) recommended “no major structural changes” in the management of the Intelligence Community and noted that “current efforts to strengthen community management while maintaining the ongoing relationship between the DCI and the Secretary of Defense are bearing fruit.”<sup>38</sup>

The members of Congress who passed the National Security Act of 1947 had wanted the new Central Intelligence Agency to provide policymakers the best possible information and to coordinate clandestine operations. They assumed that the President’s intelligence officer—the Director of Central Intelligence—would accomplish these objectives, and left the executive branch to its own initiative for the next four decades. This was how Congress resolved the dilemma of having a “national” intelligence system that was not centrally controlled. Succeeding presidents oversaw the Intelligence Community through a series of National Security Council Intelligence Directives and executive orders, which recognized the gap between coordination and control and encouraged DCIs to do more to bridge it and to manage America’s intelligence efforts. After the Cold War ended, however, Democratic and Republican Congresses grew impatient with the executive branch and urged that intelligence be done centrally. Nonetheless, no Congress grasped the nettle of sweeping reform, either to decentralize the system or to give the DCI command authority over military intelligence and the departmental intelligence offices. At the same time, the executive branch’s insistence on using declining resources first and foremost to support military operations effectively blunted the Congressional emphasis on centralization by limiting the wherewithal that DCIs and agency heads could devote to national and strategic objectives.

This ambiguity is likely to endure for the same reasons it arose in the first place: no one can agree on what should replace it. Reform faces the same obstacles that Harry Truman and his aides encountered in 1945. Everyone has a notion of how reform should be implemented, but everyone also has a specific list of changes they will not tolerate. The mix of preferences and objections produces a veto to almost every proposal, until the one that survives is the one policymakers and legislators dislike the least. Ambiguity is also likely to keep alive the durable idea—born from the Pearl Harbor disaster—that the axiomatic principles of unity of command and unity of intelligence can best be served through an increased centralization of US intelligence efforts.

America’s national security framework forces such ambiguities on policymakers and commanders for good reasons as well as bad. The great economic and military strength of America and the comparative material wealth of its Intelligence Community has provided a certain latitude for experimentation—and even duplication of effort—in the service of higher, political goals. In such a context, a decentralized Intelligence Community may be the only kind of system that can maintain public and military support for an independent, civilian foreign intelligence arm in America’s non-parliamentary form of government, where it is possible for the two major political parties to split control over the executive and legislative branches of government. Decentralization assures the Pentagon of military control over its tactical and joint intelligence programs. It also

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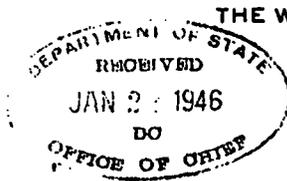
<sup>38</sup> Commission on National Security, *Road Map for National Security*, p. 83.

assures members of Congress of both parties that the President's chief intelligence adviser cannot acquire a dangerous concentration of domestic political power or monopolize the foreign policy advice flowing into the White House. Thus we are likely to live with the de-centralized intelligence system—and the impulse toward centralization—until a crisis re-aligns the political and bureaucratic players or compels them to cooperate in new ways.

1. Harry S. Truman to the Secretaries of State, War, and Navy,  
22 January 1946

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THE WHITE HOUSE  
WASHINGTON



JAN 22, 1946

To The Secretary of State,  
The Secretary of War, and  
The Secretary of the Navy.

1. It is my desire, and I hereby direct, that all Federal foreign intelligence activities be planned, developed and coordinated so as to assure the most effective accomplishment of the intelligence mission related to the national security. I hereby designate you, together with another person to be named by me as my personal representative, as the National Intelligence Authority to accomplish this purpose.

101-5

2. Within the limits of available appropriations, you shall each from time to time assign persons and facilities from your respective Departments, which persons shall collectively form a Central Intelligence Group and shall, under the direction of a Director of Central Intelligence, assist the National Intelligence Authority. The Director of Central Intelligence shall be designated by me, shall be responsible to the National Intelligence Authority, and shall sit as a non-voting member thereof.

3. Subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall:

a. Accomplish the correlation and evaluation of intelligence relating to the national security, and the

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appropriate dissemination within the Government of the resulting strategic and national policy intelligence. In so doing, full use shall be made of the staff and facilities of the intelligence agencies of your Departments.

b. Plan for the coordination of such of the activities of the intelligence agencies of your Departments as relate to the national security and recommend to the National Intelligence Authority the establishment of such over-all policies and objectives as will assure the most effective accomplishment of the national intelligence mission.

c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally.

d. Perform such other functions and duties related to intelligence affecting the national security as the President and the National Intelligence Authority may from time to time direct.

4. No police, law enforcement or internal security functions shall be exercised under this directive.

5. Such intelligence received by the intelligence agencies of your Departments as may be designated by the National Intelligence Authority shall be freely available to the Director of Central Intelli-

gence for correlation, evaluation or dissemination. To the extent approved by the National Intelligence Authority, the operations of said intelligence agencies shall be open to inspection by the Director of Central Intelligence in connection with planning functions.

6. The existing intelligence agencies of your Departments shall continue to collect, evaluate, correlate and disseminate departmental intelligence.

7. The Director of Central Intelligence shall be advised by an Intelligence Advisory Board consisting of the heads (or their representatives) of the principal military and civilian intelligence agencies of the Government having functions related to national security, as determined by the National Intelligence Authority.

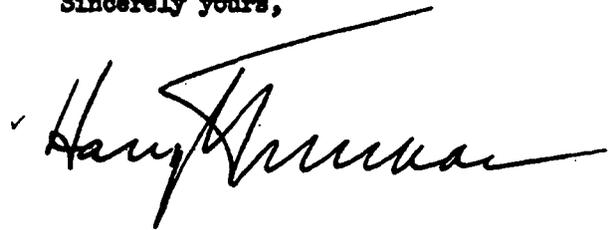
8. Within the scope of existing law and Presidential directives, other departments and agencies of the executive branch of the Federal Government shall furnish such intelligence information relating to the national security as is in their possession, and as the Director of Central Intelligence may from time to time request pursuant to regulations of the National Intelligence Authority.

9. Nothing herein shall be construed to authorize the making of investigations inside the continental limits of the United States and its possessions, except as provided by law and Presidential directives.

- 4 -

10. In the conduct of their activities the National Intelligence Authority and the Director of Central Intelligence shall be responsible for fully protecting intelligence sources and methods.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Harry Truman". The signature is written in dark ink and is positioned to the right of the typed name "Harry Truman".

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# 2. National Intelligence Authority Directive 5, 8 July 1946

CHIEF, CENTRAL REPORTS STAFF

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8 July 1946

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## NATIONAL INTELLIGENCE AUTHORITY

### N.I.A. DIRECTIVE NO. 5

#### FUNCTIONS OF THE DIRECTOR OF CENTRAL INTELLIGENCE

References: a. President's letter of 22 January 1946  
b. N.I.A. Directive No. 1

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Date 4 Jun 51 HRP 89-2

This document has been approved for release through the HISTORICAL REVIEW PROGRAM of the Central Intelligence Agency.

Date 4 Jun 51 HRP 89-2

Pursuant to the President's letter of 22 January 1946 designating this Authority as responsible for planning, developing and coordinating all Federal foreign intelligence activities so as to ensure the most effective accomplishment of the intelligence mission related to the national security, the functions of the Director of Central Intelligence are hereby redefined as follows, subject to the provisions of said letter:

1. Paragraph 3 of the President's letter of 22 January 1946 defined the functions of the Director of Central Intelligence as follows:

"3. Subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall:

"a. Accomplish the correlation and evaluation of intelligence relating to the national security, and the appropriate dissemination within the Government of the resulting strategic and national policy intelligence.

In so doing, full use shall be made of the staff and facilities of the intelligence agencies of your departments.

"b. Plan for the coordination of such of the activities of the Intelligence agencies of your departments as relate to the national security and recommend to the National Intelligence Authority the establishment of such over-all policies and objectives as will assure the most effective accomplishment of the national intelligence mission.

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Class. changed to <u>TS-6</u>
Next Review Date: <u>14 Jun 51</u>
Auth: <u>441 78</u>
Spec: <u>17 Dec 1946</u>
By: <u>OS 5159</u>

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"c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally.

"d. Perform such other functions and duties related to intelligence affecting the national security as the President and the National Intelligence Authority may from time to time direct."

2. In performing the functions specified in paragraph 3-a of the President's letter, the Director of Central Intelligence is hereby authorized to undertake such research and analysis as may be necessary to determine what functions in the fields of national security intelligence are not being presently performed or are not being adequately performed. Based upon these determinations, the Director of Central Intelligence may centralize such research and analysis activities as may, in his opinion and that of the appropriate member or members of the Intelligence Advisory Board, be more efficiently or effectively accomplished centrally.

3. In addition to the functions specified in paragraph 3-b of the President's letter and in accordance with paragraph 4 of N.I.A. Directive No. 1, the Director of Central Intelligence is hereby authorized and directed to act for this Authority in coordinating all Federal foreign intelligence activities related to the national security to ensure that the over-all policies and objectives established by this Authority are properly implemented and executed.

4. Pursuant to paragraph 3-c of the President's letter, the Director of Central Intelligence is hereby directed to perform the following services of common concern which this Authority has determined can be more efficiently accomplished centrally:

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## 2. (continued)

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a. Conduct of all organized Federal espionage and counter-espionage operations outside the United States and its possessions for the collection of foreign intelligence information required for the national security.

b. Conduct of all Federal monitoring of press and propaganda broadcasts of foreign powers required for the collection of intelligence information related to the national security.

5. To the extent of available appropriations and within the limits of their capabilities, as determined by the respective Departments, the State, War and Navy Departments will make available to the Director of Central Intelligence, upon his request, the funds, personnel, facilities and other assistance required for the performance of the functions authorized herein. At the earliest practicable date, the Director of Central Intelligence will submit for approval by this Authority any supplemental budget required to perform the functions authorized herein, in addition to the appropriations which can be made available for this purpose by the State, War and Navy Departments.

6. Where the performance of functions authorized herein requires the liquidation, transfer or integration of funds, personnel or facilities for existing activities of the State, War and Navy Departments, the liquidation, transfer or integration will be accomplished at the earliest practicable date as agreed to by the Director of Central Intelligence and the official responsible for such activities so as to involve a minimum of interruption in the performance of these functions.

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NIA Dir. #5

- 3 -



### 3. The National Security Act of 1947, Section 102, 26 July 1947

**Eighth Congress of the United States of America**  
**At the First Session**

Begun and held at the City of Washington on Friday, the third  
day of January, one thousand nine hundred and forty-seven

**AN ACT**

To promote the national security by providing for a Secretary of  
Defense; for a National Military Establishment; for a Department  
of the Army, a Department of the Navy, and a Department of the  
Air Force; and for the coordination of the activities of the National  
Military Establishment with other departments and agencies of the  
Government concerned with the national security.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SHORT TITLE**

That this Act may be cited as the "National Security Act of 1947".

**TABLE OF CONTENTS**

Sec. 2. Declaration of policy.

**TITLE I—COORDINATION FOR NATIONAL SECURITY**

- Sec. 101. National Security Council.
- Sec. 102. Central Intelligence Agency.
- Sec. 103. National Security Resources Board.

**TITLE II—THE NATIONAL MILITARY ESTABLISHMENT**

- Sec. 201. National Military Establishment.
- Sec. 202. Secretary of Defense.
- Sec. 203. Military Assistants to the Secretary.
- Sec. 204. Civilian personnel.
- Sec. 205. Department of the Army.
- Sec. 206. Department of the Navy.
- Sec. 207. Department of the Air Force.
- Sec. 208. United States Air Force.
- Sec. 209. Effective date of transfers.
- Sec. 210. War Council.
- Sec. 211. Joint Chiefs of Staff.
- Sec. 212. Joint staff.
- Sec. 213. Munitions Board.
- Sec. 214. Research and Development Board.

**TITLE III—MISCELLANEOUS**

- Sec. 301. Compensation of Secretaries.
- Sec. 302. Under Secretaries and Assistant Secretaries.
- Sec. 303. Advisory committees and personnel.
- Sec. 304. Status of transferred civilian personnel.
- Sec. 305. Saving provisions.
- Sec. 306. Transfer of funds.
- Sec. 307. Authorization for appropriations.
- Sec. 308. Definitions.
- Sec. 309. Separability.
- Sec. 310. Effective date.
- Sec. 311. Succession to the Presidency.

S. 758—3

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of \$10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.

CENTRAL INTELLIGENCE AGENCY

Sec. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be the head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of \$14,000 a year.

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

S. 758—4

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment to the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which \$14,000 exceeds the amount of his annual military pay and allowances.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appro-

S. 758-5

priate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

S. 758—20

EFFECTIVE DATE

SEC. 310. (a) The first sentence of section 202 (a) and sections 1, 2, 307, 308, 309, and 310 shall take effect immediately upon the enactment of this Act.

(b) Except as provided in subsection (a), the provisions of this Act shall take effect on whichever of the following days is the earlier: The day after the day upon which the Secretary of Defense first appointed takes office, or the sixtieth day after the date of the enactment of this Act.

SUCCESSION TO THE PRESIDENCY

SEC. 311. Paragraph (1) of subsection (d) of section 1 of the Act entitled "An Act to provide for the performance of the duties of the office of President in case of the removal, resignation, death, or inability both of the President and Vice President", approved July 18, 1947, is amended by striking out "Secretary of War" and inserting in lieu thereof "Secretary of Defense", and by striking out "Secretary of the Navy,".

*Jaye W. Martin Jr.*

*Speaker of the House of Representatives.*

*Arthur Vandenberg*

*President of the Senate pro tempore.*

*Approved July 26 1947*  
*Harry Truman*



4. National Security Council Intelligence Directive 1,  
Duties and Responsibilities, 12 December 1947

NSCID 1

12 December 1947

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COPY NO. 57

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1

DUTIES AND RESPONSIBILITIES

Pursuant to the provisions of Section 102 of the National Security Act of 1947, and for the purposes enunciated in paragraphs (d) and (e) thereof, the National Security Council hereby authorizes and directs that:

1. To maintain the relationship essential to coordination between the Central Intelligence Agency and the intelligence organizations, an Intelligence Advisory Committee consisting of the respective intelligence chiefs from the Departments of State, Army, Navy, and Air Force, and from the Joint Staff (JCS), and the Atomic Energy Commission, or their representatives, shall be established to advise the Director of Central Intelligence. The Director of Central Intelligence will invite the chief, or his representative, of any other intelligence Agency having functions related to the national security to sit with the Intelligence Advisory Committee whenever matters within the purview of his Agency are to be discussed.

2. To the extent authorized by Section 102 (e) of the National Security Act of 1947, the Director of Central Intelligence, or representatives designated by him, by arrangement with the head of the department or agency concerned, shall make such surveys and inspections of departmental intelligence material of the various Federal Departments and Agencies relating to the national security as he may deem necessary in connection with his duty to advise the NSC and to make recommendations for the coordination of intelligence activities.

3. Coordination of intelligence activities should be designed primarily to strengthen the overall governmental intelligence structure. Primary departmental requirements shall be recognized and shall receive the cooperation and support of the Central Intelligence Agency.

a. The Director of Central Intelligence shall, in making recommendations or giving advice to the National Security Council pertaining to the intelligence activities of the various Departments and Agencies, transmit therewith a statement indicating the concurrence or non-concurrence of the members of the Intelli-

NSCID 1

- 1 -

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gence Advisory Committee; provided that, when unanimity is not obtained among the Department heads of the National Military Establishment, the Director of Central Intelligence shall refer the problem to the Secretary of Defense before presenting it to the National Security Council.

b. Recommendations of the Director of Central Intelligence shall, when approved by the National Security Council, issue as Council Directives to the Director of Central Intelligence. The respective intelligence chiefs shall be responsible for insuring that such orders or directives, when applicable, are implemented within their intelligence organizations.

DCI  
c. The Director of Central Intelligence shall act for the National Security Council to insure full and proper implementation of Council directives by issuing such supplementary DCI directives as may be required. Such implementing directives in which the Intelligence Advisory Committee concurs unanimously shall be issued by the Director of Central Intelligence, and shall be implemented within the Departments and Agencies as provided in paragraph b. Where disagreement arises between the Director of Central Intelligence and one or more members of the Intelligence Advisory Committee over such directives, the proposed directive, together with statements of non-concurrence, shall be forwarded to the NSC for decision as provided in paragraph a.

4. The Director of Central Intelligence shall produce intelligence relating to the national security, hereafter referred to as national intelligence. In so far as practicable, he shall not duplicate the intelligence activities and research of the various Departments and Agencies but shall make use of existing intelligence facilities and shall utilize departmental intelligence for such production purposes. For definitions see NSCID No. 3.

5. The Director of Central Intelligence shall disseminate National Intelligence to the President, to members of the National Security Council, to the Intelligence Chiefs of the IAC Agencies, and to such Governmental Departments and Agencies as the National Security Council from time to time may designate. Intelligence so disseminated shall be officially concurred in by the Intelligence Agencies or shall carry an agreed statement of substantial dissent.

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NSCID 1

- 2 -

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6. When Security Regulations of the originating Agency permit, the Director of Central Intelligence shall disseminate to the Federal Bureau of Investigation and other Departments or Agencies intelligence or intelligence information which he may possess when he deems such dissemination appropriate to their functions relating to the national security.

7. The Director of Central Intelligence shall perform for the benefit of the existing intelligence Agencies such services of common concern to these Agencies as the National Security Council determines can be more efficiently accomplished centrally.

8. The intelligence organizations in each of the Departments and Agencies shall maintain with the Central Intelligence Agency and with each other, as appropriate to their respective responsibilities, a continuing interchange of intelligence information and intelligence available to them.

9. The intelligence files in each intelligence organization, including the CIA, shall be made available under security regulations of the Department or Agency concerned to the others for consultation.

10. The intelligence organizations within the limits of their capabilities shall provide, or procure, such intelligence as may be requested by the Director of Central Intelligence or by one of the other Departments or Agencies.

11. The Director of Central Intelligence shall make arrangements with the respective Departments and Agencies to assign to the Central Intelligence Agency such experienced and qualified officers and members as may be of advantage for advisory, operational, or other purposes, in addition to such personnel as the Director of Central Intelligence may directly employ. In each case, such departmental personnel will be subject to the necessary personnel procedures of each Department.

NSCID 1

- 3 -

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5. National Security Council Intelligence Directive 1,  
Duties and Responsibilities, 7 July 1949

NSCID 1  
Revised  
7 July 1949

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Date 13 JUNE 91 HRP 89-2

COPY NO. 35

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1

DUTIES AND RESPONSIBILITIES

Pursuant to the provisions of Section 102 of the National Security Act of 1947, and for the purposes enunciated in paragraphs (d) and (e) thereof, the National Security Council hereby authorizes and directs that:

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1. To maintain the relationship essential to coordination between the Central Intelligence Agency and the intelligence organizations, an Intelligence Advisory Committee consisting of the Director of Central Intelligence, who shall be Chairman thereof, the Director, Federal Bureau of Investigation, and the respective intelligence chiefs from the Departments of State, Army, Navy, and Air Force, and from the Joint Staff (JCS), and the Atomic Energy Commission, or their representatives, shall be established to advise the Director of Central Intelligence. The Director of Central Intelligence will invite the chief, or his representative, of any other intelligence Agency having functions related to the national security to sit with the Intelligence Advisory Committee whenever matters within the purview of his Agency are to be discussed.

2. To the extent authorized by Section 102 (e) of the National Security Act of 1947, the Director of Central Intelligence, or representatives designated by him, by arrangement with the head of the department or agency concerned, shall make such surveys and inspections of departmental intelligence material of the various Federal Departments and Agencies relating to the national security as he may deem necessary in connection with his duty to advise the NSC and to make recommendations for the coordination of intelligence activities.

3. Coordination of intelligence activities should be designed primarily to strengthen the overall governmental intelligence structure. Primary departmental requirements shall be recognized and shall receive the cooperation and support of the Central Intelligence Agency.

a. The Director of Central Intelligence shall, in making recommendations or giving advice to the National Security Council pertaining to the intelligence activities of the various Departments and Agencies, transmit therewith a statement indicating the concurrence or non-concurrence of the members of the Intelligence Advisory

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Date 13 JUNE 91 HRP 89-2

NSCID 1  
Revised  
7 July 1949

- 1 -

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## 5. (continued)

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Committee; provided that, when unanimity is not obtained among the Department heads of the National Military Establishment, the Director of Central Intelligence shall refer the problem to the Secretary of Defense before presenting it to the National Security Council.

b. Recommendations of the Director of Central Intelligence shall, when approved by the National Security Council, issue as Council Directives to the Director of Central Intelligence. The respective intelligence chiefs shall be responsible for insuring that such orders or directives, when applicable, are implemented within their intelligence organizations.

c. The Director of Central Intelligence shall act for the National Security Council to insure full and proper implementation of Council directives by issuing such supplementary DCI directives as may be required. Such implementing directives in which the Intelligence Advisory Committee concurs unanimously shall be issued by the Director of Central Intelligence, and shall be implemented within the Departments and Agencies as provided in paragraph b. Where disagreement arises between the Director of Central Intelligence and one or more members of the Intelligence Advisory Committee over such directives, the proposed directive, together with statements of non-concurrence, shall be forwarded to the NSC for decision as provided in paragraph a.

4. The Director of Central Intelligence shall produce intelligence relating to the national security, hereafter referred to as national intelligence. In so far as practicable, he shall not duplicate the intelligence activities and research of the various Departments and Agencies but shall make use of existing intelligence facilities and shall utilize departmental intelligence for such production purposes. For definitions see NSCID No. 3.

5. The Director of Central Intelligence shall disseminate National Intelligence to the President, to members of the National Security Council, to the Intelligence Chiefs of the IAC Agencies, and to such Governmental Departments and Agencies as the National Security Council from time to time may designate. Intelligence so disseminated shall be officially concurred in by the Intelligence Agencies or shall carry a statement of substantially differing opinions.

6. When Security Regulations of the originating Agency permit, the Director of Central Intelligence shall disseminate to the Federal Bureau of Investigation and other Departments

NSCID 1  
Revised  
7 July 1949

- 2 -

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## 5. (continued)

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or Agencies intelligence or intelligence information which he may possess when he deems such dissemination appropriate to their functions relating to the national security.

7. The Director of Central Intelligence shall perform for the benefit of the existing intelligence Agencies such services of common concern to these Agencies as the National Security Council determines can be more efficiently accomplished centrally.

8. The intelligence organizations in each of the Departments and Agencies shall maintain with the Central Intelligence Agency and with each other, as appropriate to their respective responsibilities, a continuing interchange of intelligence information and intelligence available to them.

9. The intelligence files in each intelligence organization, including the CIA, shall be made available under security regulations of the Department or Agency concerned to the others for consultation.

10. The intelligence organizations within the limits of their capabilities shall provide, or procure, such intelligence as may be requested by the Director of Central Intelligence or by one of the other Departments or Agencies.

11. The Director of Central Intelligence shall make arrangements with the respective Departments and Agencies to assign to the Central Intelligence Agency such experienced and qualified officers and members as may be of advantage for advisory, operational, or other purposes, in addition to such personnel as the Director of Central Intelligence may directly employ. In each case, such departmental personnel will be subject to the necessary personnel procedures of each Department.

TO ALL HOLDERS OF NSCID NO. 1, DATED DECEMBER 12, 1947:

The attached copy of NSCID No. 1, revised as of July 7, 1949, is to be substituted for that dated December 12, 1947 and the latter destroyed by burning.

NSCID 1  
Revised  
7 July 1949

- 3 -

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# 6. National Security Council Intelligence Directive 1, Duties and Responsibilities, 19 January 1950

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NSCID 1  
Revised  
January 19, 1950

Date 13 JUNE 91 HRP 89-2

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COPY NO. 110

## NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1

### DUTIES AND RESPONSIBILITIES

Pursuant to the provisions of Section 102 of the National Security Act of 1947, and for the purposes enunciated in paragraphs (d) and (e) thereof, the National Security Council hereby authorizes and directs that:

1. To maintain the relationship essential to coordination between the Central Intelligence Agency and the intelligence organizations, an Intelligence Advisory Committee consisting of the Director of Central Intelligence, who shall be Chairman thereof, the Director, Federal Bureau of Investigation, and the respective intelligence chiefs from the Departments of State, Army, Navy, and Air Force, and from the Joint Staff (JCS), and the Atomic Energy Commission, or their representatives, shall be established to advise the Director of Central Intelligence. The Director of Central Intelligence will invite the chief, or his representative, of any other intelligence Agency having functions related to the national security to sit with the Intelligence Advisory Committee whenever matters within the purview of his Agency are to be discussed.

2. To the extent authorized by Section 102 (e) of the National Security Act of 1947, the Director of Central Intelligence, or representatives designated by him, by arrangement with the head of the department or agency concerned, shall make such surveys and inspections of departmental intelligence material of the various Federal Departments and Agencies relating to the national security as he may deem necessary in connection with his duty to advise the NSC and to make recommendations for the coordination of intelligence activities.

3. Coordination of intelligence activities should be designed primarily to strengthen the over-all governmental intelligence structure. Primary departmental requirements shall be recognized and shall receive the cooperation and support of the Central Intelligence Agency.

a. The Director of Central Intelligence shall, in making recommendations or giving advice to the National Security Council pertaining to the intelligence activities of the various Departments and Agencies, transmit therewith a statement indicating the concurrence of non-concurrence of the members of the Intelligence Advisory

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the Central Intelligence Agency.

Date 13 June 91 HRP 89-2

NSCID 1  
Revised  
January 19, 1950

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Committee; provided that, when unanimity is not obtained among the Department heads of the National Military Establishment, the Director of Central Intelligence shall refer the problem to the Secretary of Defense before presenting it to the National Security Council.

b. Recommendations of the Director of Central Intelligence shall, when approved by the National Security Council, issue as Council Directives to the Director of Central Intelligence. The respective intelligence chiefs shall be responsible for insuring that such orders or directives, when applicable, are implemented within their intelligence organizations.

c. The Director of Central Intelligence shall act for the National Security Council to insure full and proper implementation of Council directives by issuing such supplementary DCI directives as may be required. Such implementing directives in which the Intelligence Advisory Committee concurs unanimously shall be issued by the Director of Central Intelligence, and shall be implemented within the Departments and Agencies as provided in paragraph b. Where disagreement arises between the Director of Central Intelligence and one or more members of the Intelligence Advisory Committee over such directives, the proposed directive, together with statements of non-concurrence, shall be forwarded to the NSC for decision as provided in paragraph a.

4. The Director of Central Intelligence shall produce intelligence relating to the national security, hereafter referred to as national intelligence. In so far as practicable, he shall not duplicate the intelligence activities and research of the various Departments and Agencies but shall make use of existing intelligence facilities and shall utilize departmental intelligence for such production purposes. For definitions see NSCID No. 3.

5. The Director of Central Intelligence shall disseminate National Intelligence to the President, to members of the National Security Council, to the Intelligence Chiefs of the IAC Agencies, and to such Governmental Departments and Agencies as the National Security Council from time to time may designate. Intelligence so disseminated shall be officially concurred in by the Intelligence Agencies or shall carry a statement of substantially differing opinions.

6. Whenever any member of the Intelligence Advisory Committee obtains information that indicates an impending crisis situation, such as the outbreak of hostilities involving the United States, or a condition which affects the security of

NSCID 1  
Revised  
January 19, 1950

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the United States to such an extent that immediate action or decision on the part of the President or the National Security Council seems to be required, he shall immediately furnish the information to the other members of the Intelligence Advisory Committee as well as to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall immediately convene the Intelligence Advisory Committee. After receiving the views of the Intelligence Advisory Committee members, the Director of Central Intelligence shall promptly prepare and disseminate the national intelligence estimate in accordance with paragraphs 4 and 5 above.

7. When Security Regulations of the originating Agency permit, the Director of Central Intelligence shall disseminate to the Federal Bureau of Investigation and other Departments or Agencies intelligence or intelligence information which he may possess when he deems such dissemination appropriate to their functions relating to the national security.

8. The Director of Central Intelligence shall perform for the benefit of the existing intelligence Agencies such services of common concern to these Agencies as the National Security Council determines can be more efficiently accomplished centrally.

9. The intelligence organizations in each of the Departments and Agencies shall maintain with the Central Intelligence Agency and with each other, as appropriate to their respective responsibilities, a continuing interchange of intelligence information and intelligence available to them.

10. The intelligence files in each intelligence organization, including the CIA, shall be made available under security regulations of the Department or Agency concerned to the others for consultation.

11. The intelligence organizations within the limits of their capabilities shall provide, or procure, such intelligence as may be requested by the Director of Central Intelligence or by one of the other Departments or Agencies.

12. The Director of Central Intelligence shall make arrangements with the respective Departments and Agencies to assign to the Central Intelligence Agency such experienced and qualified officers and members as may be of advantage for advisory, operational, or other purposes, in addition to such personnel as the Director of Central Intelligence may directly employ. In each case, such departmental personnel will be subject to the necessary personnel procedures of each Department.

NSCID 1  
Revised  
January 19, 1950

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7. National Security Council Intelligence Directive 1,  
Duties and Responsibilities, 28 March 1952

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NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1

DUTIES AND RESPONSIBILITIES

(Revised 3/28/52; SECRET)

Pursuant to the provisions of Section 102 of the National Security Act of 1947, and for the purposes enunciated in paragraphs (d) and (e) thereof, the National Security Council hereby authorizes and directs that:

1. To maintain the relationship essential to coordination between the Central Intelligence Agency and the intelligence organizations, an Intelligence Advisory Committee consisting of the Director of Central Intelligence, who shall be chairman thereof, the Director, Federal Bureau of Investigation, and the respective intelligence chiefs from the Departments of State, Army, Navy, and Air Force, and from the Joint Staff (JCS), and the Atomic Energy Commission, or their representatives, shall be established to advise the Director of Central Intelligence. The Director of Central Intelligence will invite the chief, or his representative, of any other intelligence agency having functions related to the national security to sit with the Intelligence Advisory Committee whenever matters within the purview of his agency are to be discussed.

2. To the extent authorized by Section 102 (e) of the National Security Act of 1947, the Director of Central Intelligence, or representatives designated by him, by arrangement with the head of the department or agency concerned, shall make such surveys and inspections of departmental intelligence material of the various Federal departments and agencies relating to the national security as he may deem necessary in connection with his duty to advise the NSC and to make recommendations for the coordination of intelligence activities.

3. Coordination of intelligence activities should be designed primarily to strengthen the over-all governmental intelligence structure. Primary departmental requirements shall be recognized and shall receive the cooperation and support of the Central Intelligence Agency.

a. The Director of Central Intelligence shall, in making recommendations or giving advice to the National Security Council pertaining to the intelligence activities of the various departments and agencies, transmit therewith a statement indicating the concurrence or non-concurrence of the members of the Intelligence Advisory Committee; provided that, when unanimity is not obtained among the Department heads of the Department of Defense, the Director of Central Intelligence shall refer the problem to the Secretary of Defense before presenting it to the National Security Council.

b. Recommendations of the Director of Central Intelligence shall, when approved by the National Security Council, issue as Council Directives to the Director of Central Intelligence. The respective intelligence chiefs shall be responsible for insuring that such orders or directives, when applicable, are implemented within their intelligence organizations.

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c. The Director of Central Intelligence shall act for the National Security Council to insure full and proper implementation of Council directives by issuing such supplementary DCI directives as may be required. Such implementing directives in which the Intelligence Advisory Committee concurs unanimously shall be issued by the Director of Central Intelligence, and shall be implemented within the departments and agencies as provided in paragraph b. Where disagreement arises between the Director of Central Intelligence and one or more members of the Intelligence Advisory Committee over such directives, the proposed directive, together with statements of non-concurrence, shall be forwarded to the NSC for decision as provided in paragraph a.

4. The Director of Central Intelligence shall produce intelligence relating to the national security, hereafter referred to as national intelligence. Insofar as practicable, he shall not duplicate the intelligence activities and research of the various departments and agencies but shall make use of existing intelligence facilities and shall utilize departmental intelligence for such production purposes. For definitions see NSCID No. 3.

5. a. The Director of Central Intelligence shall disseminate National Intelligence to the President, to members of the National Security Council, to the intelligence chiefs of the IAC Agencies, and to such governmental departments and agencies as the National Security Council from time to time may designate. Intelligence so disseminated shall be officially concurred in by the intelligence agencies or shall carry a statement of substantially differing opinions.)

b. Unless otherwise provided by law or NSC Directive, the Director of Central Intelligence is authorized to disseminate National Intelligence on a strictly controlled basis to foreign governments and international bodies upon determination by the Director of Central Intelligence, concurred in by the Intelligence Advisory Committee, that such action would substantially promote the security of the United States; provided that any disclosure of classified military information included in such national intelligence is in accordance with the policies laid down in the U.S. National Disclosure Policy (MIC 206/29)\*, such determination to be made by the Army, Navy, and Air Force; and provided further that any disclosure of FBI intelligence information will be cleared with that agency prior to dissemination.

6. Whenever any member of the Intelligence Advisory Committee obtains information that indicates an impending crisis situation, such as the outbreak of hostilities involving the United States, or a condition which affects the security of the United States to such an extent that immediate action or decision on the part of the President or the National Security Council seems to be required, he shall immediately furnish the information to the other members of the Intelligence Advisory Committee as well as to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence

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## 7. (continued)

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shall immediately convene the Intelligence Advisory Committee. After receiving the views of the Intelligence Advisory Committee members, the Director of Central Intelligence shall promptly prepare and disseminate the national intelligence estimate in accordance with paragraphs 4 and 5 above.

7. When security regulations of the originating agency permit, the Director of Central Intelligence shall disseminate to the Federal Bureau of Investigation and other departments or agencies intelligence or intelligence information which he may possess when he deems such dissemination appropriate to their functions relating to the national security.

8. The Director of Central Intelligence shall perform for the benefit of the existing intelligence agencies such services of common concern to these Agencies as the National Security Council determines can be more efficiently accomplished centrally.

9. The intelligence organizations in each of the departments and agencies shall maintain with the Central Intelligence Agency and with each other, as appropriate to their respective responsibilities, a continuing interchange of intelligence information and intelligence available to them.

10. The intelligence files in each intelligence organization, including the CIA, shall be made available under security regulations of the department or agency concerned to the others for consultation.

11. The intelligence organizations within the limits of their capabilities shall provide, or procure, such intelligence as may be requested by the Director of Central Intelligence or by one of the other departments or agencies.

12. The Director of Central Intelligence shall make arrangements with the respective departments and agencies to assign to the Central Intelligence Agency such experienced and qualified officers and members as may be of advantage for advisory, operational, or other purposes, in addition to such personnel as the Director of Central Intelligence may directly employ. In each case, such departmental personnel will be subject to the necessary personnel procedures of each department.

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**8. Dwight D. Eisenhower to the National Security Council and the  
Director of Central Intelligence [Allen W. Dulles], 5 August 1957**

EXECUTIVE OFFICE OF THE PRESIDENT  
NATIONAL SECURITY COUNCIL  
WASHINGTON

August 5, 1957

MEMORANDUM FOR: The Statutory Members of the National  
Security Council and the Director of  
Central Intelligence

SUBJECT: Recommendations Nos. 1 and 10 of the  
Report to the President by the Pres-  
ident's Board of Consultants on For-  
eign Intelligence Activities

The President has approved the enclosed memorandum  
on the subject as of this date.

The enclosure is accordingly circulated herewith for  
information and guidance.

S. EVERETT GLEASON  
Acting Executive Secretary

cc: The Secretary of the Treasury  
The Director, Bureau of the Budget  
The Chairman, Joint Chiefs of Staff

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## 8. (continued)

### ENCLOSURE

MEMORANDUM FOR: The Statutory Members of the National Security Council and the Director of Central Intelligence

SUBJECT: Recommendations Nos. 1 and 10 of the Report to the President by the President's Board of Consultants on Foreign Intelligence Activities

I have considered the proposals of the President's Board of Consultants on Foreign Intelligence and the comments on those recommendations. I concur in the need for strong centralized direction of the intelligence effort of the United States through the National Security Council and the Director of Central Intelligence. The exercise of a more comprehensive and positive coordinating responsibility by the Director of Central Intelligence can be of the utmost value to the entire intelligence community and strengthen the national intelligence effort.

I have also concurred in the recommendation of the Director of Central Intelligence that he appoint a Deputy Director for Coordination, who will review all possibilities for increasing integration, reducing duplication, and improving coordination within the intelligence community; and, after such review, will recommend, when necessary, action by the Director of Central Intelligence to coordinate all elements of the intelligence community. This work should be carried out in full consultation with appropriate representatives of all of our intelligence agencies. The Director of Central Intelligence has appointed General Lucian K. Truscott, Jr., Retired, for this duty.

All members of the intelligence community will render the Director of Central Intelligence the fullest possible cooperation in the accomplishment of this objective.

DWIGHT D. EISENHOWER

cc: The Secretary of the Treasury  
The Director, Bureau of the Budget  
The Chairman, Joint Chiefs of Staff

# 9. National Security Council Intelligence Directive 1, Basic Duties and Responsibilities, 21 April 1958

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NSCID No. 1  
(New Series)

## NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1<sup>1</sup>

### BASIC DUTIES AND RESPONSIBILITIES

(Effective 21 April 1958)

For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security and pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. The Director of Central Intelligence shall coordinate the foreign intelligence effort of the United States, in accordance with principles established by statute and pertinent National Security Council directives.

2. To maintain the relationship necessary to a fully coordinated intelligence community,<sup>2</sup> an Intelligence Advisory Committee consisting of the Director of Central Intelligence, who shall be chairman thereof, the intelligence chiefs of the Departments of State, Army, Navy, and Air Force and of the Joint Staff (JCS) and representatives of the Director, Federal Bureau of Investigation and of the Atomic Energy Commission is established to advise the Director of Central Intelligence. The Director of Central Intelligence shall invite the chief of any other department or agency having functions related to the national security to sit with the Intelligence Advisory Committee whenever matters within the purview of his agency are to be discussed.

3. In carrying out the duty of the Central Intelligence Agency to advise and make recommendations to the National Security Council in matters concerning such intelligence activities of the departments and agencies of the Government as relate to the national security, the Director of Central Intelligence shall transmit therewith a statement indicating the concurrence or non-concurring views of the members of the Intelligence Advisory Committee: *Provided*, That when unanimity is not obtained among the military members of the Intelligence Advisory Committee, the Director of Central Intelligence shall refer the problem to the Secretary of Defense before presenting it to the National Security Council.

<sup>1</sup>This Directive supersedes NSCID No. 1, revised 3/28/52; NSCID No. 4, revised 8/29/56; NSCID No. 8 of 5/25/48; NSCID No. 11 of 1/6/50; NSCID No. 12 of 1/6/50; NSCID No. 15 of 6/13/51.

<sup>2</sup>The intelligence community includes the Central Intelligence Agency; the intelligence components of the Departments of State, Army, Navy and Air Force, and of the Joint Staff (JCS); the Federal Bureau of Investigation; and the Atomic Energy Commission. Other components of the departments and agencies of the Government are included only to the extent of the agreed participation in regularly-established interdepartmental intelligence activities.

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4. Recommendations transmitted by the Director of Central Intelligence shall, when approved by the National Security Council, be issued as National Security Council Intelligence Directives or as other appropriate Council directives and, as applicable, shall be implemented within the departments and agencies of the Government.

5. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing such supplementary Director of Central Intelligence Directives as may be required. Such implementing directives in which the Intelligence Advisory Committee concurs unanimously shall be issued by the Director of Central Intelligence, and shall be implemented, as applicable, within the departments and agencies. Where disagreement arises between the Director of Central Intelligence and one or more members of the Intelligence Advisory Committee over such directives the proposed directive, together with statements of non-concurring views, shall be forwarded to the National Security Council for resolution as provided in paragraph 3.

6. National intelligence is that intelligence which is required for the formulation of national security policy, concerns more than one department or agency, and transcends the exclusive competence of a single department or agency. The Director of Central Intelligence shall produce<sup>3</sup> national intelligence and disseminate it to the President, members of the National Security Council, members of the Intelligence Advisory Committee and, subject to existing statutes, to such other components of the Government as the National Security Council may from time to time designate or the Intelligence Advisory Committee may recommend. Intelligence so produced shall have the concurrence of the members of the Intelligence Advisory Committee or shall carry a statement of substantially differing opinion.

7. Departmental intelligence is that intelligence which any department or agency requires to execute its own mission. Departmental intelligence may be disseminated in accordance with existing statutes and Presidential policy including that reflected in international agreements.

8. Insofar as practicable, in the fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other members of the intelligence community.

9. The Director of Central Intelligence is authorized to disseminate national intelligence and interdepartmental intelligence produced within the Intelligence Advisory Committee structure on a strictly controlled basis to foreign governments and international bodies upon his determination with the concurrence of the Intelligence Advisory Committee, that such action would substantially promote the security of the United States: *Provided*, That such dissemination is consistent with

<sup>3</sup>By "produce" is meant "to correlate and evaluate intelligence relating to the national security" as provided in the National Security Act of 1947, as amended, section 102 (d) (3).

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existing statutes and Presidential policy including that reflected in international agreements; and provided further that any disclosure of FBI intelligence information shall be cleared with that agency prior to dissemination.

10. Whenever any member of the Intelligence Advisory Committee obtains information which indicates an impending crisis situation, such as any outbreak of hostilities or other condition which affects the security of the United States to such an extent that immediate action or decision by the President or the National Security Council may be required, he shall immediately transmit the information to the Director of Central Intelligence and the other members of the Intelligence Advisory Committee as well as to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall, in consultation with the Intelligence Advisory Committee, immediately prepare and disseminate as appropriate the national intelligence estimate of the situation, in accordance with the procedures outlined in paragraphs 6 and 9, above.

11. To provide general guidance and specific priorities for the production of national and other intelligence and for collection and other activities in support thereof, the Central Intelligence Agency in collaboration with the other departments and agencies concerned, shall: (a) prepare an outline of comprehensive National Intelligence Objectives generally applicable to foreign countries and areas; (b) identify from time to time, and on a current basis, Priority National Intelligence Objectives with reference to specific countries and subjects; and (c) issue such outline and priority objectives, for general intelligence guidance, and formally transmit them to the National Security Council.

12. In accordance with policies, procedures and practices established by the Director of Central Intelligence as provided in paragraph 5, above, the individual components of the intelligence community shall maintain a continuing interchange of intelligence, intelligence information, and other information which has utility for intelligence purposes.

13. The Director of Central Intelligence in consultation with and supported by the Intelligence Advisory Committee agencies shall call upon the other departments and agencies as appropriate to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full knowledge and technical talent available in the Government.

14. The Director of Central Intelligence in coordination with the Intelligence Advisory Committee agencies shall ensure that the pertinence, extent, and quality of the available foreign intelligence and intelligence information relating to the national security is continually reviewed as a basis for improving the quality of intelligence and the correction of deficiencies.

15. In accordance with policies, procedures and practices established by the Director of Central Intelligence as provided in paragraph 5, above, and within the limits of their capabilities, the individual components of the intelligence community shall produce or procure such intelligence,

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intelligence information, and other information which has utility for intelligence purposes relating to the national security as may be requested by one of the departments or agencies.

16. To facilitate maximum community utilization of intelligence, intelligence information and other material with utility for intelligence purposes, the Director of Central Intelligence in consultation with the departments and agencies concerned shall take appropriate measures to facilitate the coordinated development of compatible referencing systems within the departments and agencies engaged in intelligence activities. Central reference facilities as a service of common concern shall be provided by the Central Intelligence Agency and/or other departments and agencies, as appropriate.

17. The Director of Central Intelligence shall, in consultation with members of the Intelligence Advisory Committee and with other appropriate offices, ensure the development of policies, procedures, and practices for the protection of intelligence sources and methods from unauthorized disclosure. Each department and agency shall be responsible for the protection of intelligence sources and methods within its own organization. The Director of Central Intelligence shall call upon the departments and agencies, as appropriate, to investigate within their department or agency any unauthorized disclosure of intelligence sources or methods.

18. The departments and agencies of the Government shall establish appropriate policies and procedures to control and limit undesirable publicity relating to intelligence activities. Each shall also establish appropriate policies and procedures to prevent the unauthorized disclosure from within that agency of intelligence information or activity.

19. To the extent authorized by paragraph (e) and for the purposes recited in paragraphs (d) (1) and (2) of Section 102 of the National Security Act of 1947, as amended, the Director of Central Intelligence, or representatives designated by him, in consultation with the head of the intelligence or other appropriate component of the department or agency concerned, shall make such surveys of departmental intelligence activities of the various departments and agencies as he may deem necessary in connection with his duty to advise the National Security Council and to coordinate the intelligence effort of the United States.

20. The Director of Central Intelligence shall make arrangements with the departments and agencies for the assignment to the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational, or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency, or operational necessity. Primary departmental interests shall be recognized and shall receive the cooperation and support of the Central Intelligence Agency.

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# 10. National Security Council Intelligence Directive 1, Basic Duties and Responsibilities, 15 September 1958

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NSCID No. 1  
(New Series)

## NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1<sup>1</sup>

### BASIC DUTIES AND RESPONSIBILITIES

(Revised 15 September 1958)

The intelligence effort of the United States is a national responsibility, and must be so organized and managed as to exploit to the maximum the available resources of the Government and to satisfy the intelligence requirements of the National Security Council and of the departments and agencies of the Government. For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security and pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

#### 1. *Over-all Coordination*

The Director of Central Intelligence shall coordinate the foreign intelligence activities of the United States in accordance with existing law and applicable National Security Council directives. Such coordination shall include both special and other forms of intelligence which together constitute the foreign intelligence activities of the United States.

#### 2. *The United States Intelligence Board (USIB)*

a. To maintain the relationship necessary for a fully coordinated intelligence community,<sup>2</sup> and to provide for a more effective integration of and guidance to the national intelligence effort, a United States Intelligence Board (USIB) is hereby established under the directives of the National Security Council and under the chairmanship of the Director of Central Intelligence. The Board shall advise and assist the Director of Central Intelligence as he may require in the discharge of his statutory responsibilities and pursuant to paragraph 1 above. Subject to other established responsibilities under existing law and to the provisions of National Security Council directives, the Board shall also:

- (1) Establish policies and develop programs for the guidance of all departments and agencies concerned.
- (2) Establish appropriate intelligence objectives, requirements and priorities.

<sup>1</sup> This Directive supersedes NSCID No. 1, dated 21 April 1958.

<sup>2</sup> The intelligence community includes the Central Intelligence Agency; the intelligence components of the Departments of State, Defense, Army, Navy and Air Force, and of the Joint Staff (JCS); the Federal Bureau of Investigation; the Atomic Energy Commission; and the National Security Agency. Other components of the departments and agencies of the Government are included to the extent of their agreed participation in regularly established interdepartmental intelligence activities.

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(3) Review and report to the National Security Council on the national foreign-intelligence effort as a whole.

(4) Make recommendations on foreign-intelligence matters to appropriate United States officials, including particularly recommendations to the Secretary of Defense on intelligence matters within the jurisdiction of the Director of the National Security Agency.

(5) Develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure.

(6) Formulate, as appropriate, policies with respect to arrangements with foreign governments on intelligence matters.

b. The membership of the U.S. Intelligence Board shall consist of the following:

(1) The Director of Central Intelligence, Chairman.

(2) The Director of Intelligence and Research, Department of State.

(3) The Assistant to the Secretary of Defense for Special Operations.

(4) The Director of the National Security Agency (NSA).

(5) The Director for Intelligence, The Joint Staff (JCS).

(6) The Assistant Chief of Staff for Intelligence, Department of the Army.

(7) The Assistant Chief of Naval Operations for Intelligence, Department of the Navy.

(8) The Assistant Chief of Staff, Intelligence, Department of the Air Force.

(9) A representative of the Director of the Federal Bureau of Investigation.

(10) A representative of the Atomic Energy Commission.

The Director of Central Intelligence, as Chairman, shall invite the chief of any other department or agency having functions related to the national security to sit with the U.S. Intelligence Board whenever matters within the purview of his department or agency are to be discussed.

c.c.c. / c. The Board shall determine its own procedures and shall establish subordinate committees and working groups, as appropriate. It shall be provided with a Secretariat staff, which shall be under the direction of an Executive Secretary appointed by the Director of Central Intelligence in consultation with the members of the Board.

d. The U.S. Intelligence Board shall reach its decisions by agreement. When the Chairman determines that a given position on a matter under consideration represents the consensus of the Board it shall be considered as agreed unless a dissenting member requests that the issue be referred to the National Security Council. Upon such request, the Director of Central Intelligence, as Chairman, shall refer

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the matter, together with the dissenting brief, to the National Security Council for decision.

*Provided:* That such appeals to the National Security Council by representatives from the military departments, the Director of the National Security Agency, or the Director for Intelligence, The Joint Staff, shall be taken only after review by the Secretary of Defense.

Whenever matters of concern to the Federal Bureau of Investigation and/or the Atomic Energy Commission are referred to the National Security Council, the Attorney General and/or the Chairman of the Atomic Energy Commission respectively, shall sit with the Council. The Board may recommend through its Chairman that a sensitive intelligence matter requiring the attention of higher authority be dealt with by the Council in a restricted meeting, including only those officials who have substantive interest in the matter, or directly by the President.

e. Decisions and recommendations of the Board shall, as appropriate, be transmitted by the Director of Central Intelligence, as Chairman, to the departments or agencies concerned, or to the National Security Council when higher approval is required, or for information.

f. In making recommendations to the National Security Council in matters concerning such intelligence activities of the departments and agencies of the Government as relate to the national security, the Director of Central Intelligence, as Chairman, shall transmit therewith a statement indicating the concurrence or non-concurring views of those members of the U.S. Intelligence Board concerned. Such recommendations when approved by the National Security Council shall, as appropriate, be issued as National Security Council Intelligence Directives or as other Council directives and, as applicable, shall be promulgated and implemented by the departments and agencies of the Government.

g. Decisions of the Board arrived at under the authority and procedures of this paragraph shall be binding, as applicable on all departments and agencies of the Government.

### 3. The Director of Central Intelligence

a. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing with the concurrence of the U.S. Intelligence Board such supplementary Director of Central Intelligence Directives as may be required (see par. 2d above). Such directives shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned.

b. Director of Central Intelligence Directives to be issued in accordance with the provisions of sub-paragraph a above shall include:

- (1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof, including: (a) estab-

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lishment of comprehensive National Intelligence Objectives generally applicable to foreign countries and areas; (b) identification from time to time, and on a current basis, of Priority National Intelligence Objectives with reference to specific countries and subjects; and (c) issuance of such comprehensive and priority objectives, for general intelligence guidance, and their formal transmission to the National Security Council.

(2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information, and other information with utility for intelligence purposes.

(3) Establishment of policy, procedures and practices for the production or procurement, by the individual components of the intelligence community within the limits of their capabilities, of such intelligence, intelligence information and other information with utility for intelligence purposes relating to the national security, as may be requested by one of the departments or agencies.

c. The Director of Central Intelligence, or representatives designated by him, in consultation with the head of the intelligence or other appropriate component of the department or agency concerned, shall make such surveys of departmental intelligence activities of the various departments and agencies as he may deem necessary in connection with his duty to advise the National Security Council and to coordinate the intelligence effort of the United States.

#### 4. National Intelligence

a. National intelligence is that intelligence which is required for the formulation of national security policy, concerns more than one department or agency, and transcends the exclusive competence of a single department or agency. The Director of Central Intelligence shall produce<sup>s</sup> national intelligence with the support of the U.S. Intelligence Board. Intelligence so produced shall have the concurrence, as appropriate, of the members of the U.S. Intelligence Board with intelligence production responsibilities or shall carry a statement of any substantially differing opinion of such a member.

b. Departmental intelligence is that intelligence which any department or agency requires to execute its own mission.

c. Interdepartmental intelligence is integrated departmental intelligence which is required by departments and agencies of the Government for the execution of their missions, but which transcends the exclusive competence of a single department or agency to produce. The subcommittee structure of the U.S. Intelligence Board may be utilized for the production and dissemination of interdepartmental intelligence.

<sup>s</sup>By "produce" is meant "to correlate and evaluate intelligence relating to the national security" as provided in the National Security Act of 1947, as amended, Section 102 (d) (3).

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d. The Director of Central Intelligence shall disseminate national intelligence to the President, members of the National Security Council, as appropriate, members of the U.S. Intelligence Board and, subject to existing statutes, to such other components of the Government as the National Security Council may from time to time designate or the U.S. Intelligence Board may recommend. He is further authorized to disseminate national intelligence and interdepartmental intelligence produced within the U.S. Intelligence Board structure on a strictly controlled basis to foreign governments and international bodies upon his determination with the concurrence of the U.S. Intelligence Board, that such action would substantially promote the security of the United States: *Provided*, That such dissemination is consistent with existing statutes and Presidential policy including that reflected in international agreements; and provided further that any disclosure of FBI intelligence information shall be cleared with that agency prior to dissemination. Departmental intelligence and interdepartmental intelligence produced outside the U.S. Intelligence Board subcommittee structure may be disseminated in accordance with existing statutes and Presidential policy including that reflected in international agreements.

e. Whenever any member of the U.S. Intelligence Board obtains information which indicates an impending crisis situation which affects the security of the United States to such an extent that immediate action or decision by the President or the National Security Council may be required, he shall immediately transmit the information to the Director of Central Intelligence and the other members of the U.S. Intelligence Board as well as to the National Indications Center and to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall, in consultation with the U.S. Intelligence Board, immediately prepare and disseminate as appropriate the national intelligence estimate of the situation, in accordance with the procedures outlined above.

##### 5. *Protection of Intelligence and of Intelligence Sources and Methods*

The Director of Central Intelligence, with the assistance and support of the members of the U.S. Intelligence Board, shall ensure the development of policies and procedures for the protection of intelligence and of intelligence sources and methods from unauthorized disclosure. Each department and agency, however, shall remain responsible for the protection of intelligence and of intelligence sources and methods within its own organization. Each shall also establish appropriate internal policies and procedures to prevent the unauthorized disclosure from within that agency of intelligence information or activity. The Director of Central Intelligence shall call upon the departments and agencies, as appropriate, to investigate within their department or agency any unauthorized disclosure of intelligence or of intelligence sources or methods. A report of these investigations, including corrective measures taken or recommended within the departments and agencies involved, shall be transmitted to the Director of Central Intelligence for

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review and such further action as may be appropriate, including reports to the National Security Council or the President.

6. *Community Responsibilities*

a. In implementation of, and in conformity with, approved National Security Council policy, the Director of Central Intelligence in consultation with and supported by the other members of the U.S. Intelligence Board and by other appropriate offices, shall:

(1) Call upon the other departments and agencies as appropriate to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full knowledge and technical talent available in or to the Government;

(2) Ensure that the pertinence, extent and quality of the available foreign intelligence and intelligence information relating to the national security is continually reviewed as a basis for improving the quality of intelligence and the correction of deficiencies;

(3) Take appropriate measures to facilitate the coordinated development of compatible referencing systems within the departments and agencies engaged in foreign intelligence activities. Central reference facilities as a service of common concern shall be provided by the Central Intelligence Agency and/or other departments and agencies, as appropriate; and

(4) Make arrangements with the departments and agencies for the assignment to, or exchange with, the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational, or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency, or operational necessity. In this connection primary departmental interests shall be recognized and shall receive mutual cooperation and support.

b. In so far as practicable, in the fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other elements of the intelligence community.

c. The departments and agencies of the Government shall establish appropriate policies and procedures to control and limit undesirable publicity relating to intelligence activities.

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# 11. National Security Council Intelligence Directive 1, Basic Duties and Responsibilities, 18 January 1961

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NSCID No. 1  
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*Superseded  
by NSCID No. 1  
Rev: 4 Mar 64*

## NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 1<sup>1</sup>

### BASIC DUTIES AND RESPONSIBILITIES

(Revised 18 January 1961)

The intelligence effort of the United States is a national responsibility, and must be so organized and managed as to exploit to the maximum the available resources of the Government and to satisfy the intelligence requirements of the National Security Council and of the departments and agencies of the Government. For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security and pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

#### 1. Over-all Coordination

The Director of Central Intelligence shall coordinate the foreign intelligence activities of the United States in accordance with existing law and applicable National Security Council directives. Such coordination shall include both special and other forms of intelligence which together constitute the foreign intelligence activities of the United States.

#### 2. The United States Intelligence Board (USIB)

a. To maintain the relationship necessary for a fully coordinated intelligence community,<sup>2</sup> and to provide for a more effective integration of and guidance to the national intelligence effort, a United States Intelligence Board (USIB) is hereby established under the directives of the National Security Council and under the chairmanship of the Director of Central Intelligence. The Board shall advise and assist the Director of Central Intelligence as he may require in the discharge of his statutory responsibilities and pursuant to paragraph 1 above. Subject to other established responsibilities under existing law and to the provisions of National Security Council directives, the Board shall also:

- (1) Establish policies and develop programs for the guidance of all departments and agencies concerned.
- (2) Establish appropriate intelligence objectives, requirements and priorities.

<sup>1</sup>This Directive supersedes NSCID No. 1, dated 15 September 1958, which previously had superseded NSCID No. 1, dated 21 April 1958.

<sup>2</sup>The intelligence community includes the Central Intelligence Agency; the intelligence components of the Departments of State, Defense, Army, Navy and Air Force, and of the Joint Staff (JCS); the Federal Bureau of Investigation; the Atomic Energy Commission; and the National Security Agency. Other components of the departments and agencies of the Government are included to the extent of their agreed participation in regularly established interdepartmental intelligence activities.

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(3) Review and report to the National Security Council on the national foreign-intelligence effort as a whole.

(4) Make recommendations on foreign-intelligence matters to appropriate United States officials, including particularly recommendations to the Secretary of Defense on intelligence matters within the jurisdiction of the Director of the National Security Agency.

(5) Develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure.

(6) Formulate, as appropriate, policies with respect to arrangements with foreign governments on intelligence matters.

b. The membership of the U.S. Intelligence Board shall consist of the following:

(1) The Director of Central Intelligence, Chairman.

(2) The Director of Intelligence and Research, Department of State.

(3) The Assistant to the Secretary of Defense for Special Operations.

(4) The Director of the National Security Agency (NSA).

(5) The Director for Intelligence, The Joint Staff (JCS).

(6) The Assistant Chief of Staff for Intelligence, Department of the Army.

(7) The Assistant Chief of Naval Operations for Intelligence, Department of the Navy.

(8) The Assistant Chief of Staff, Intelligence, Department of the Air Force.

(9) A representative of the Director of the Federal Bureau of Investigation.

(10) A representative of the Atomic Energy Commission.

The Director of Central Intelligence, as Chairman, shall invite the chief of any other department or agency having functions related to the national security to sit with the U.S. Intelligence Board whenever matters within the purview of his department or agency are to be discussed.

c. The Board shall determine its own procedures and shall establish subordinate committees and working groups, as appropriate. It shall be provided with a Secretariat staff, which shall be under the direction of an Executive Secretary appointed by the Director of Central Intelligence in consultation with the members of the Board.

d. The U.S. Intelligence Board shall reach its decisions by agreement. When the Chairman determines that a given position on a matter under consideration represents the consensus of the Board it shall be considered as agreed unless a dissenting member requests that the issue be referred to the National Security Council. Upon such request, the Director of Central Intelligence, as Chairman, shall refer

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the matter, together with the dissenting brief, to the National Security Council for decision.

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 Provided: That such appeals to the National Security Council by representatives from the military departments, the Director of the National Security Agency, or the Director for Intelligence, The Joint Staff, shall be taken only after review by the Secretary of Defense.

Whenever matters of concern to the Federal Bureau of Investigation and/or the Atomic Energy Commission are referred to the National Security Council, the Attorney General and/or the Chairman of the Atomic Energy Commission respectively, shall sit with the Council. The Board may recommend through its Chairman that a sensitive intelligence matter requiring the attention of higher authority be dealt with by the Council in a restricted meeting, including only those officials who have substantive interest in the matter, or directly by the President.

e. Decisions and recommendations of the Board shall, as appropriate, be transmitted by the Director of Central Intelligence, as Chairman, to the departments or agencies concerned, or to the National Security Council when higher approval is required, or for information.

f. In making recommendations to the National Security Council in matters concerning such intelligence activities of the departments and agencies of the Government as relate to the national security, the Director of Central Intelligence, as Chairman, shall transmit therewith a statement indicating the concurrence or non-concurring views of those members of the U.S. Intelligence Board concerned. Such recommendations when approved by the National Security Council shall, as appropriate, be issued as National Security Council Intelligence Directives or as other Council directives and, as applicable, shall be promulgated and implemented by the departments and agencies of the Government.

g. Decisions of the Board arrived at under the authority and procedures of this paragraph shall be binding, as applicable on all departments and agencies of the Government.

### 3. The Director of Central Intelligence

a. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing with the concurrence of the U.S. Intelligence Board such supplementary Director of Central Intelligence Directives as may be required (see par. 2d above). Such directives shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned.

b. Director of Central Intelligence Directives to be issued in accordance with the provisions of sub-paragraph a above shall include:

- (1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof, including: (a) estab-

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lishment of comprehensive National Intelligence Objectives generally applicable to foreign countries and areas; (b) identification from time to time, and on a current basis, of Priority National Intelligence Objectives with reference to specific countries and subjects; and (c) issuance of such comprehensive and priority objectives, for general intelligence guidance, and their formal transmission to the National Security Council.

(2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information, and other information with utility for intelligence purposes.

(3) Establishment of policy, procedures and practices for the production or procurement, by the individual components of the intelligence community within the limits of their capabilities, of such intelligence, intelligence information and other information with utility for intelligence purposes relating to the national security, as may be requested by one of the departments or agencies.

c. The Director of Central Intelligence, or representatives designated by him, in consultation with the head of the intelligence or other appropriate component of the department or agency concerned, shall make such surveys of departmental intelligence activities of the various departments and agencies as he may deem necessary in connection with his duty to advise the National Security Council and to coordinate the intelligence effort of the United States.

#### 4. *National Intelligence*

a. National intelligence is that intelligence which is required for the formulation of national security policy, concerns more than one department or agency, and transcends the exclusive competence of a single department or agency. The Director of Central Intelligence shall produce<sup>\*</sup> national intelligence with the support of the U.S. Intelligence Board. Intelligence so produced shall have the concurrence, as appropriate, of the members of the U.S. Intelligence Board or shall carry a statement of any substantially differing opinion of such a member.

b. Departmental intelligence is that intelligence which any department or agency requires to execute its own mission.

c. Interdepartmental intelligence is integrated departmental intelligence which is required by departments and agencies of the Government for the execution of their missions, but which transcends the exclusive competence of a single department or agency to produce. The subcommittee structure of the U.S. Intelligence Board may be utilized for the production and dissemination of interdepartmental intelligence.

<sup>\*</sup> By "produce" is meant "to correlate and evaluate intelligence relating to the national security" as provided in the National Security Act of 1947, as amended, Section 102 (d) (3).

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d. The Director of Central Intelligence shall disseminate national intelligence to the President, members of the National Security Council, as appropriate, members of the U.S. Intelligence Board and, subject to existing statutes, to such other components of the Government as the National Security Council may from time to time designate or the U.S. Intelligence Board may recommend. He is further authorized to disseminate national intelligence and interdepartmental intelligence produced within the U.S. Intelligence Board structure on a strictly controlled basis to foreign governments and international bodies upon his determination with the concurrence of the U.S. Intelligence Board, that such action would substantially promote the security of the United States: *Provided*, That such dissemination is consistent with existing statutes and Presidential policy including that reflected in international agreements; and provided further that any disclosure of FBI intelligence information shall be cleared with that agency prior to dissemination. Departmental intelligence and interdepartmental intelligence produced outside the U.S. Intelligence Board subcommittee structure may be disseminated in accordance with existing statutes and Presidential policy including that reflected in international agreements.

e. Whenever any member of the U.S. Intelligence Board obtains information which indicates an impending crisis situation which affects the security of the United States to such an extent that immediate action or decision by the President or the National Security Council may be required, he shall immediately transmit the information to the Director of Central Intelligence and the other members of the U.S. Intelligence Board as well as to the National Indications Center and to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall, in consultation with the U.S. Intelligence Board, immediately prepare and disseminate as appropriate the national intelligence estimate of the situation, in accordance with the procedures outlined above.

##### 5. *Protection of Intelligence and of Intelligence Sources and Methods*

The Director of Central Intelligence, with the assistance and support of the members of the U.S. Intelligence Board, shall ensure the development of policies and procedures for the protection of intelligence and of intelligence sources and methods from unauthorized disclosure. Each department and agency, however, shall remain responsible for the protection of intelligence and of intelligence sources and methods within its own organization. Each shall also establish appropriate internal policies and procedures to prevent the unauthorized disclosure from within that agency of intelligence information or activity. The Director of Central Intelligence shall call upon the departments and agencies, as appropriate, to investigate within their department or agency any unauthorized disclosure of intelligence or of intelligence sources or methods. A report of these investigations, including corrective measures taken or recommended within the departments and agencies involved, shall be transmitted to the Director of Central Intelligence for

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review and such further action as may be appropriate, including reports to the National Security Council or the President.

**6. Community Responsibilities**

*a.* In implementation of, and in conformity with, approved National Security Council policy, the Director of Central Intelligence in consultation with and supported by the other members of the U.S. Intelligence Board and by other appropriate offices, shall:

(1) Call upon the other departments and agencies as appropriate to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full knowledge and technical talent available in or to the Government;

(2) Ensure that the pertinence, extent and quality of the available foreign intelligence and intelligence information relating to the national security is continually reviewed as a basis for improving the quality of intelligence and the correction of deficiencies;

(3) Take appropriate measures to facilitate the coordinated development of compatible referencing systems within the departments and agencies engaged in foreign intelligence activities. Central reference facilities as a service of common concern shall be provided by the Central Intelligence Agency and/or other departments and agencies, as appropriate; and

(4) Make arrangements with the departments and agencies for the assignment to, or exchange with, the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational, or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency, or operational necessity. In this connection primary departmental interests shall be recognized and shall receive mutual cooperation and support.

*b.* In so far as practicable, in the fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other elements of the intelligence community.

*c.* The departments and agencies of the Government shall establish appropriate policies and procedures to control and limit undesirable publicity relating to intelligence activities.

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12. John F. Kennedy, Memorandum for the Director of Central Intelligence [John A. McCone], 16 January 1962

THE WHITE HOUSE  
WASHINGTON

January 16, 1962

MEMORANDUM FOR: Director of Central Intelligence

In carrying out your newly assigned duties as Director of Central Intelligence it is my wish that you serve as the Government's principal foreign intelligence officer, and as such that you undertake, as an integral part of your responsibility, the coordination and effective guidance of the total United States foreign intelligence effort. As the Government's principal intelligence officer, you will assure the proper coordination, correlation, and evaluation of intelligence from all sources and its prompt dissemination to me and to other recipients as appropriate. In fulfillment of these tasks I shall expect you to work closely with the heads of all departments and agencies having responsibilities in the foreign intelligence field.

In coordinating and guiding the total intelligence effort, you will serve as Chairman of the United States Intelligence Board, with a view to assuring the efficient and effective operation of the Board and its associated bodies. In this connection I note with approval that you have designated your deputy to serve as a member of the Board, thereby bringing to the Board's deliberations the relevant facts and judgments of the Central Intelligence Agency.

As directed by the President and the National Security Council, you will establish with the advice and assistance of the United States Intelligence Board the necessary policies and procedures to assure adequate coordination of foreign intelligence activities at all levels.

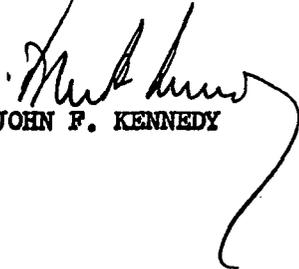
With the heads of the Departments and Agencies concerned you will maintain a continuing review of the programs and activities of all U.S. agencies engaged in foreign intelligence activities with a view to assuring efficiency and effectiveness and to avoiding undesirable duplication.

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As head of the Central Intelligence Agency, while you will continue to have over-all responsibility for the Agency, I shall expect you to delegate to your principal deputy, as you may deem necessary, so much of the direction of the detailed operation of the Agency as may be required to permit you to carry out your primary task as Director of Central Intelligence.

It is my wish that you keep me advised from time to time as to your progress in the implementation of this directive and as to any recommendations you may have which would facilitate the accomplishment of these objectives.



JOHN F. KENNEDY

cc: Secretary of State  
Secretary of Defense  
Attorney General  
Chairman, Atomic Energy Commission

13. National Security Council Intelligence Directive 1,  
Basic Duties and Responsibilities, 4 March 1964

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OUTSIDE THE U.S.~~

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NSCID No. 1  
(New Series)

NATIONAL SECURITY COUNCIL INTELLIGENCE  
DIRECTIVE NO. 1<sup>1</sup>

BASIC DUTIES AND RESPONSIBILITIES

(Revised 4 March 1964)

The intelligence effort of the United States is a national responsibility, and must be so organized and managed as to exploit to the maximum the available resources of the Government and to satisfy the intelligence requirements of the National Security Council and of the departments and agencies of the Government. For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security and pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

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The record copy has been released to National Archives under the HISTORICAL REVIEW PROGRAM.

Date 13 JUNE 91 HRP 89-2

1. *Over-all Coordination*

The Director of Central Intelligence shall coordinate the foreign intelligence activities of the United States in accordance with existing law and applicable National Security Council directives. Such coordination shall include both special and other forms of intelligence which together constitute the foreign intelligence activities of the United States.

2. *The United States Intelligence Board (USIB)*

a. To maintain the relationship necessary for a fully coordinated intelligence community,<sup>2</sup> and to provide for a more effective integration of and guidance to the national intelligence effort, a United States Intelligence Board (USIB) is hereby established under the directives of the National Security Council and under the chairmanship of the Director of Central Intelligence. The Board shall advise and assist the Director of Central Intelligence as he may require in the discharge of his statutory responsibilities and pursuant to paragraph 1 above. Subject to other established responsibilities under existing law and to the provisions of National Security Council directives, the Board shall also:

- (1) Establish policies and develop programs for the guidance of all departments and agencies concerned.
- (2) Establish appropriate intelligence objectives, requirements and priorities.

This document has been approved for release through the HISTORICAL REVIEW PROGRAM of the Central Intelligence Agency.

Date 13 JUNE 91 HRP 89-2

<sup>1</sup> This Directive supersedes NSCID No. 1, dated 18 January 1961.

<sup>2</sup> The intelligence community includes the Central Intelligence Agency, the intelligence components of the Departments of State, Defense (Defense Intelligence Agency, Army, Navy, and Air Force), National Security Agency, the Federal Bureau of Investigation and the Atomic Energy Commission. Other components of the departments and agencies of the Government are included to the extent of their agreed participation in regularly established interdepartmental intelligence activities.

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(3) Review and report to the National Security Council on the national foreign-intelligence effort as a whole.

(4) Make recommendations on foreign-intelligence matters to appropriate United States officials, including particularly recommendations to the Secretary of Defense on intelligence matters within the jurisdiction of the Director of the National Security Agency.

(5) Develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure.

(6) Formulate, as appropriate, policies with respect to arrangements with foreign governments on intelligence matters.

b. The membership of the U.S. Intelligence Board shall consist of the following:

(1) The Director of Central Intelligence, Chairman.

(2) The Deputy Director of Central Intelligence, Central Intelligence Agency.

(3) The Director of Intelligence and Research, Department of State.

(4) The Director, Defense Intelligence Agency.

(5) The Director, National Security Agency.

(6) A representative of the Atomic Energy Commission.

(7) A representative of the Director of the Federal Bureau of Investigation.

The Director of Central Intelligence, as Chairman, shall invite the chief of any other department or agency having functions related to the national security to sit with the U.S. Intelligence Board whenever matters within the purview of his department or agency are to be discussed.

c. The Board shall determine its own procedures and shall establish subordinate committees and working groups, as appropriate. It shall be provided with a Secretariat staff, which shall be under the direction of an Executive Secretary appointed by the Director of Central Intelligence in consultation with the members of the Board.

d. The U.S. Intelligence Board shall reach its decisions by agreement. When the Chairman determines that a given position on a matter under consideration represents the consensus of the Board it shall be considered as agreed unless a dissenting member requests that the issue be referred to the National Security Council. Upon such request, the Director of Central Intelligence, as Chairman, shall refer the matter, together with the dissenting brief, to the National Security Council for decision.

*Provided:* That such appeals to the National Security Council by the Director, Defense Intelligence Agency or the Director, National Security Agency, shall be taken only after review by the Secretary of Defense.

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Whenever matters of concern to the Federal Bureau of Investigation and/or the Atomic Energy Commission are referred to the National Security Council, the Attorney General and/or the Chairman of the Atomic Energy Commission respectively, shall sit with the Council. The Board may recommend through its Chairman that a sensitive intelligence matter requiring the attention of higher authority be dealt with by the Council in a restricted meeting, including only those officials who have substantive interest in the matter, or directly by the President.

e. Decisions and recommendations of the Board shall, as appropriate, be transmitted by the Director of Central Intelligence, as Chairman, to the departments or agencies concerned, or to the National Security Council when higher approval is required, or for information.

f. In making recommendations to the National Security Council in matters concerning such intelligence activities of the departments and agencies of the Government as relate to the national security, the Director of Central Intelligence, as Chairman, shall transmit therewith a statement indicating the concurrence or non-concurring views of those members of the U.S. Intelligence Board concerned. Such recommendations when approved by the National Security Council shall, as appropriate, be issued as National Security Council Intelligence Directives or as other Council directives and, as applicable, shall be promulgated and implemented by the departments and agencies of the Government.

g. Decisions of the Board arrived at under the authority and procedures of this paragraph shall be binding, as applicable, on all departments and agencies of the Government.

### 3. *The Director of Central Intelligence*

a. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing with the concurrence of the U.S. Intelligence Board such supplementary Director of Central Intelligence Directives as may be required (see par. 2d above). Such directives shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned.

b. Director of Central Intelligence Directives to be issued in accordance with the provisions of sub-paragraph a above shall include:

- (1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof, including: (a) establishment of comprehensive National Intelligence Objectives generally applicable to foreign countries and areas; (b) identification from time to time, and on a current basis, of Priority National Intelligence Objectives with reference to specific countries and subjects; and (c) issuance of such comprehensive and priority objectives, for general intelligence guidance, and their formal transmission to the National Security Council.

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(2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information, and other information with utility for intelligence purposes.

(3) Establishment of policy, procedures and practices for the production or procurement, by the individual components of the intelligence community within the limits of their capabilities, of such intelligence, intelligence information and other information with utility for intelligence purposes relating to the national security, as may be requested by one of the departments or agencies.

c. The Director of Central Intelligence, or representatives designated by him, in consultation with the head of the intelligence or other appropriate component of the department or agency concerned, shall make such surveys of departmental intelligence activities of the various departments and agencies as he may deem necessary in connection with his duty to advise the National Security Council and to coordinate the intelligence effort of the United States.

#### 4. *National Intelligence*

a. National intelligence is that intelligence which is required for the formulation of national security policy, concerns more than one department or agency, and transcends the exclusive competence of a single department or agency. The Director of Central Intelligence shall produce<sup>3</sup> national intelligence with the support of the U.S. Intelligence Board. Intelligence so produced shall have the concurrence, as appropriate, of the members of the U.S. Intelligence Board or shall carry a statement of any substantially differing opinion of such a member or of the Intelligence Chief of a Military Department.

b. Departmental intelligence is that intelligence which any department or agency requires to execute its own mission.

c. Interdepartmental intelligence is integrated departmental intelligence which is required by departments and agencies of the Government for the execution of their missions, but which transcends the exclusive competence of a single department or agency to produce. The subcommittee structure of the U.S. Intelligence Board may be utilized for the production and dissemination of interdepartmental intelligence.

d. The Director of Central Intelligence shall disseminate national intelligence to the President, members of the National Security Council, as appropriate, members of the U.S. Intelligence Board and, subject to existing statutes, to such other components of the Government as the National Security Council may from time to time designate or the U.S. Intelligence Board may recommend. He is further authorized to disseminate national intelligence and interdepartmental intelli-

<sup>3</sup>By "produce" is meant "to correlate and evaluate intelligence relating to the national security" as provided in the National Security Act of 1947, as amended, Section 102 (d) (3).

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gence produced within the U.S. Intelligence Board structure on a strictly controlled basis to foreign governments and international bodies upon his determination, with the concurrence of the U.S. Intelligence Board, that such action would substantially promote the security of the United States: *Provided*, That such dissemination is consistent with existing statutes and Presidential policy including that reflected in international agreements; and provided further that any disclosure of FBI intelligence information shall be cleared with that agency prior to dissemination. Departmental intelligence and interdepartmental intelligence produced outside the U.S. Intelligence Board subcommittee structure may be disseminated in accordance with existing statutes and Presidential policy including that reflected in international agreements.

e. Whenever any member of the U.S. Intelligence Board obtains information which indicates an impending crisis situation which affects the security of the United States to such an extent that immediate action or decision by the President or the National Security Council may be required, he shall immediately transmit the information to the Director of Central Intelligence and the other members of the U.S. Intelligence Board as well as to the National Indications Center and to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall, in consultation with the U.S. Intelligence Board, immediately prepare and disseminate as appropriate the national intelligence estimate of the situation, in accordance with the procedures outlined above.

#### 5. *Protection of Intelligence and of Intelligence Sources and Methods*

The Director of Central Intelligence, with the assistance and support of the members of the U.S. Intelligence Board, shall ensure the development of policies and procedures for the protection of intelligence and of intelligence sources and methods from unauthorized disclosure. Each department and agency, however, shall remain responsible for the protection of intelligence and of intelligence sources and methods within its own organization. Each shall also establish appropriate internal policies and procedures to prevent the unauthorized disclosure from within that agency of intelligence information or activity. The Director of Central Intelligence shall call upon the departments and agencies, as appropriate, to investigate within their department or agency any unauthorized disclosure of intelligence or of intelligence sources or methods. A report of these investigations, including corrective measures taken or recommended within the departments and agencies involved, shall be transmitted to the Director of Central Intelligence for review and such further action as may be appropriate, including reports to the National Security Council or the President.

#### 6. *Community Responsibilities*

a. In implementation of, and in conformity with, approved National Security Council policy, the Director of Central Intelligence in con-

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sultation with and supported by the other members of the U.S. Intelligence Board and by other appropriate offices, shall:

(1) Call upon the other departments and agencies as appropriate to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full knowledge and technical talent available in or to the Government;

(2) Ensure that the pertinence, extent and quality of the available foreign intelligence and intelligence information relating to the national security is continually reviewed as a basis for improving the quality of intelligence and the correction of deficiencies;

(3) Take appropriate measures to facilitate the coordinated development of compatible referencing systems within the departments and agencies engaged in foreign intelligence activities. Central reference facilities as a service of common concern shall be provided by the Central Intelligence Agency and/or other departments and agencies, as appropriate; and

(4) Make arrangements with the departments and agencies for the assignment to, or exchange with, the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational, or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency, or operational necessity. In this connection primary departmental interests shall be recognized and shall receive mutual cooperation and support.

b. In so far as practicable, in the fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other elements of the intelligence community.

c. The departments and agencies of the Government shall establish appropriate policies and procedures to control and limit undesirable publicity relating to intelligence activities.

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14. Richard M. Nixon to the Secretary of State et al., *Organization and Management of the US Foreign Intelligence Community*, 5 November 1971

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THE WHITE HOUSE  
WASHINGTON

Refer to NSC

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November 5, 1971

MEMORANDUM FOR:

- The Secretary of State
- The Secretary of the Treasury
- The Secretary of Defense
- The Attorney General
- The Director of Central Intelligence
- The Director, Office of Science and Technology
- The Chairman, Joint Chiefs of Staff
- The Chairman, President's Foreign Intelligence Advisory Board
- The Chairman, Atomic Energy Commission

SUBJECT: Organization and Management of the U.S. Foreign Intelligence Community

I have recently reviewed and accepted recommendations on ways in which to improve the functioning of the intelligence community. This memorandum establishes a set of goals and directs organizational and management changes to attain them. It also expresses my concern about major resource management and substantive production problems as guidance to the community for further changes in the future.

The need for an improved intelligence product and for greater efficiency in the use of resources allocated to intelligence is urgent. Resources available for use by the intelligence community will be increasingly constrained and may have to be reduced. At the same time the product of the intelligence community will be of increasing importance to U.S. security and national interests as:

- the relative strength of Soviet and other potential military forces grows with respect to those of the U.S. where previously U.S. superiority was unquestioned;

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Per E.O. 12958, Section 3.1 (g)

National Security Council

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NSC DECLASSIFICATION REVIEW (E.O. 12958)  
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by R. Soubers Date 12/14/2000

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- the international environment grows more complex; and financial, commercial and economic factors assume greater significance;
- the need for timely intelligence becomes greater.

I. Objectives

Among the major objectives that must be attained if the efficiency and effectiveness of the intelligence community are to increase substantially are:

- The responsiveness of the U.S. intelligence effort with respect to national requirements must be subject to continuing review.
- Authoritative and responsible leadership for the community as a whole must be assured.
- A more efficient use of resources by the community in the collection of intelligence information must be achieved. Utilization of the means available must be in consonance with approved requirements of U.S. security and national interests.
- Assignment of intelligence functions within the community must be reviewed and revised to eliminate inefficient, unnecessary or outmoded activities.
- The quality, scope and timeliness of the community's product must be improved.
- The provision of intelligence and its utilization must enhance the formulation of the foreign, military and economic policies of the U.S. Government and the planning for and conduct of military operations by U.S. forces.

II. The Necessary Conditions

A number of specific conditions are necessary to the achievement of these objectives.

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-- The Director of Central Intelligence (DCI) must delegate direct authority to the Deputy Director of Central Intelligence (as far as is possible without legislation) for the plans, programs, and day-to-day operations of the CIA, and must assume overall leadership of the community.

-- More effective review of intelligence product quality and policy must be provided to the DCI, especially by high-level consumers of substantive national intelligence.

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-- Major issues within the intelligence community must be addressed in such a way that the DCI plays a major role in their resolution. The DCI must have an increased and restructured personal staff to allow him to discharge his augmented responsibilities.

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-- The DCI should be supported by two major committees of the intelligence community, each of which he chairs, with clearly defined advisory functions embracing his responsibilities related to intelligence production and requirements on the one hand and to intelligence budget and allocation of resources on the other.

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-- Intelligence collection programs, largely financed and managed by the Department of Defense, must come under more effective management and coordination with other intelligence programs.

-- The NSCIDs and DCIDs must be rewritten to reflect the changes directed herein and others as they occur, particularly to reflect reassignment of functions.

III. Measures Decided Upon

After careful consideration, I have decided that the measures listed below are to be taken now to move toward attainment of the stated objectives. They are designed primarily to: (1) enhance the authority and capability of the DCI to provide the required community leadership, (2) provide review and guidance regarding the substantive intelligence product, and (3) more effectively restructure intelligence activities.

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-- I am directing the Director of Central Intelligence to assume leadership of the community in planning, reviewing, coordinating, and evaluating all intelligence programs and activities, and in the production of national intelligence. I shall look to him to improve the performance of the community, to provide his judgments on the efficiency and effectiveness of all intelligence programs and activities (including tactical intelligence), and to recommend the appropriate allocation of resources to be devoted to intelligence.

He will thus assume four major responsibilities:

- Planning and reviewing all intelligence activities and the allocation of all intelligence resources.
- Producing national intelligence required by the President and other national consumers.
- Chairing and staffing all intelligence community advisory boards or committees.
- Reconciling intelligence requirements and priorities within budgetary constraints.

So that he can effectively undertake this community leadership role, I am requesting the DCI to submit to me within 30 days his plan for the appropriate delegation of his current operational responsibilities and for increased staff support for his new role.

- I am directing the Director of Central Intelligence to prepare and submit each year, through OMB, a consolidated intelligence program budget, including tactical intelligence. All information required from all departments and agencies of the Executive Branch is to be made available to him in order that he may provide me with an annual detailed review of the needs and performance of the intelligence community.
- I am creating an Intelligence Resources Advisory Committee, chaired by the Director of Central Intelligence, including as members a senior

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representative from the Department of Defense, the Department of State, the Office of Management and Budget, and the Central Intelligence Agency. This committee is to advise the DCI on the preparation of the intelligence budget and the allocation of resources among programs, ensuring that they are employed in accordance with approved requirements and that there is no unwarranted duplication.

-- I am also directing that the USIB be reconstituted under the chairmanship of the DCI including as members the Deputy Director of Central Intelligence (Vice Chairman); Director of Bureau of Intelligence and Research (INR), State Department; Director of National Security Agency (NSA); Director of the Defense Intelligence Agency (DIA) and representatives of the Secretary of the Treasury and of the Director of the Federal Bureau of Investigation and the Atomic Energy Commission (AEC). The USIB will advise and assist the DCI with respect to the production of national intelligence requirements and priorities, the supervision of the dissemination and security of intelligence material, and the protection of intelligence sources and methods.

-- I am authorizing the DCI to call upon all departments and agencies of the Executive Branch of the Government to provide requisite information to these two committees and to invite additional participation in their deliberations as may be required in his judgment.

-- I am also establishing a National Security Council Intelligence Committee (NSCIC). Its members will be the Attorney General, the Director of Central Intelligence, the Under Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Assistant to the President for National Security Affairs, who will chair the committee. It will give direction and guidance on national substantive intelligence needs.

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and provide for a continuing evaluation of intelligence products from the viewpoint of the intelligence consumer.

-- As a related matter, I am directing that a Net Assessment Group be created within the National Security Council Staff. The group will be headed by a senior staff member and will be responsible for reviewing and evaluating all intelligence products and for producing net assessments of U.S. capabilities vis-a-vis those of foreign governments constituting a threat to U.S. security.

-- I am directing the retention of the present management structure of the National Reconnaissance Office.

-- I am directing the Department of Defense to issue such directives as are required to establish no later than January 1, 1972:

• A unified National Cryptologic Command under Director, NSA for the conduct of USG communications intelligence and electronics intelligence activities.

• A single Office of Defense Investigations.

• A consolidated Defense Map Agency by combining the three Service mapping organizations under arrangements that permit optimum efficiency and economy in production without impairing legitimate requirements of the separate Services.

• The retention of the DIA to be fully responsive to tasking by the Joint Chiefs of Staff in matters involving essential intelligence support for military planning and operations.

-- I am directing staffs of the NSC, DCI and OMD, in consultation and coordination with the President's Foreign Intelligence Advisory Board to make appropriate revisions not later than December 1, 1971 to the NSCID's and other directives as needed to implement the provisions of this memorandum.

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IV. Remaining Problems

The changes I have directed at this time are limited, but I fully expect further changes in the intelligence community consistent with maximum practicable attainment of my objectives.

By far the largest portion of the intelligence budget is devoted to collection. It is here that savings must be sought. Future assignments of roles and missions within the intelligence community cannot be made satisfactorily by compromises among agencies.

The need to make some savings is so urgent that I have directed the Office of Management and Budget, jointly with the DCI and Secretary of Defense, to review the FY 1973 budget for intelligence and to submit specific reductions from current programs, with particular attention to tactical intelligence.

Significant improvement in the intelligence product is also needed. The NSCIC will afford improved guidance regarding consumer needs. Other changes in the consumer-producer relationship may be needed to achieve a more effective reconciliation of the demands from consumers with the limited resources available for intelligence production. It seems desirable in this connection, that resources devoted to analysis and production should increase and that a determined effort be made to upgrade analysis personnel and analysis methods. More rewarding careers for intelligence analysts, including the opportunity to reach high salary levels while remaining analysts, should be considered. An early task of the DCI should be the preparation of a comprehensive program focused upon improving the intelligence process and product.

cc: Director, Office of Management and Budget  
Assistant to the President for National Security Affairs

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15. National Security Council Intelligence Directive 1,  
Basic Duties and Responsibilities, 17 February 1972

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NSCID No. 1

NATIONAL SECURITY COUNCIL INTELLIGENCE  
DIRECTIVE NO. 1<sup>1</sup>

BASIC DUTIES AND RESPONSIBILITIES  
(Effective 17 February 1972)

The intelligence effort of the United States is a national responsibility and must be so organized and managed as to exploit to the maximum the available resources of the Government and to satisfy the intelligence requirements of the National Security Council and of the departments and agencies of the Government. For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, and pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. Overall Coordination

The Director of Central Intelligence shall coordinate the foreign intelligence activities of the United States in accordance with existing law and applicable directives. Such coordination shall include those forms of intelligence that constitute the foreign intelligence activities of the United States.

2. The National Security Council Intelligence Committee (NSCIC)

The National Security Council Intelligence Committee will be comprised of: The Assistant to the President for National Security Affairs, Chairman; The Attorney General; The Director of Central Intelligence; The Under Secretary of State; The Deputy Secretary of Defense; and The Chairman of the Joint Chiefs of Staff.

The National Security Council Intelligence Committee will give direction and guidance on national substantive intelligence needs and provide for a continuing evaluation of intelligence products from the viewpoint of the intelligence consumer.

3. The Director of Central Intelligence

a. The Director of Central Intelligence will discharge four major responsibilities:

- (1) Planning, reviewing and evaluating all intelligence activities and the allocation of all intelligence resources.
- (2) Producing national intelligence required by the President and other national consumers.
- (3) Chairing and staffing all intelligence community advisory boards and committees.
- (4) Establishing and reconciling intelligence requirements and priorities within budgetary constraints.

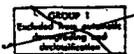
<sup>1</sup> This Directive supersedes NSCID No. 1 dated 4 March 1964.

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Date 13JUN79 HRP 89-2

This document has been approved for release through the HISTORICAL REVIEW PROGRAM of the Central Intelligence Agency.  
Date 13JUN79 HRP 89-2

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b. The Director of Central Intelligence shall prepare and submit each year, through the Office of Management and Budget, a consolidated intelligence program/budget as directed in the Presidential memorandum of 5 November 1971. In preparing the program/budget, the Director of Central Intelligence will take into account such considerations as the comparative effectiveness of collection programs and the priorities of intelligence targets.

c. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing, after appropriate consultation, such supplementary Director of Central Intelligence Directives as may be required. Such directives shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned.

d. The Director of Central Intelligence shall formulate, as appropriate, policies with respect to arrangements with foreign governments on intelligence matters.

e. The Director of Central Intelligence shall make recommendations on foreign intelligence matters to appropriate United States officials.

f. The Director of Central Intelligence shall develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure.

g. Director of Central Intelligence Directives to be issued in accordance with the provisions of subparagraph c above shall include:

(1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof and their formal transmission to the National Security Council.

(2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information and other information with utility for intelligence purposes.

h. The Director of Central Intelligence, or representatives designated by him, in consultation with the head of the intelligence or other appropriate component of the department or agency concerned, shall make such surveys of departmental intelligence activities of the various departments and agencies as he may deem necessary in connection with his duty to advise the National Security Council and to coordinate the intelligence effort of the United States.

i. In making recommendations in matters concerning such intelligence activities of the departments and agencies of the Government as relate to the national security, the Director of Central Intelligence shall transmit therewith a statement indicating the dissenting views of the members of the United States Intelligence Board and the Intelligence Resources Advisory Committee in matters relating to intelligence production and resource management.

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#### 4. *Intelligence Resources Advisory Committee (IRAC).*

An Intelligence Resources Advisory Committee is hereby established to advise the Director of Central Intelligence on the preparation of the intelligence budget and the allocation of resources among programs and to ensure that they are employed in accordance with approved requirements with no unwarranted duplication. It will consist of the Director of Central Intelligence, Chairman, and senior representatives of the Department of State, Department of Defense, Central Intelligence Agency, and the Office of Management and Budget.

#### 5. *The United States Intelligence Board (USIB).*

a. A United States Intelligence Board is hereby established under the chairmanship of the Director of Central Intelligence. Subject to other established responsibilities under existing law and directives, the United States Intelligence Board will advise and assist the Director of Central Intelligence with respect to:

- (1) The establishment of appropriate intelligence objectives, requirements and priorities.
- (2) The production of national intelligence.
- (3) The supervision of the dissemination and security of intelligence material.
- (4) The protection of intelligence sources and methods.
- (5) As appropriate, policies with respect to arrangements with foreign governments on intelligence matters.

b. The membership of the United States Intelligence Board shall consist of the following: The Director of Central Intelligence, Chairman; The Deputy Director of Central Intelligence, Vice Chairman; the Director of Intelligence and Research, Department of State; The Director, Defense Intelligence Agency; The Director, National Security Agency; a representative of the Secretary of the Treasury; a representative of the Atomic Energy Commission; and a representative of the Director of the Federal Bureau of Investigation.

The Director of Central Intelligence, as Chairman, shall invite the chief of any other department or agency having functions related to the national security to sit with the United States Intelligence Board whenever matters within the purview of his department or agency are to be discussed.

c. The Board shall be provided with a Secretariat staff, which shall be under the direction of an Executive Secretary appointed by the Director of Central Intelligence. Subordinate committees and working groups shall be established, as appropriate, by the Director of Central Intelligence.

#### 6. *National Intelligence*

a. National intelligence is that intelligence required for the formulation of national security policy, concerning more than one department or agency, and transcending the exclusive competence of a single department or agency. The Director of Central Intelligence shall produce national intelligence that will carry a statement of abstention or any substantially differing

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opinion of a United States Intelligence Board member or of the Intelligence Chief of a Military Department.

b. Departmental intelligence is that intelligence which any department or agency requires to execute its own mission.

c. Interdepartmental intelligence is integrated departmental intelligence required by departments and agencies of the Government for the execution of their missions, but transcending the exclusive competence of a single department or agency to produce. Such subcommittee structure of the United States Intelligence Board as may be established by the Director of Central Intelligence may be utilized for the production and dissemination of interdepartmental intelligence.

d. The Director of Central Intelligence shall disseminate national intelligence to the President, members of the National Security Council, as appropriate, members of the United States Intelligence Board and, subject to existing statutes, such other components of the Government as the National Security Council may from time to time designate or the United States Intelligence Board may recommend. He is further authorized to disseminate national intelligence and interdepartmental intelligence on a strictly controlled basis to foreign governments and international bodies upon his determination after consultation with the United States Intelligence Board that such action would substantially promote the security of the United States, provided that such dissemination is consistent with existing statutes and Presidential policy, including that reflected in international agreements; and provided further that any disclosure of Federal Bureau of Investigation intelligence information shall be cleared with that agency prior to dissemination. Departmental intelligence and interdepartmental intelligence produced outside the United States Intelligence Board subcommittee structure may be disseminated in accordance with existing statutes and Presidential policy, including that reflected in international agreements.

e. Whenever any member of the United States Intelligence Board obtains information that indicates an impending crisis situation that affects the security of the United States to such an extent that immediate action or decision by the President or the National Security Council may be required, he shall immediately transmit the information to the Director of Central Intelligence and the other members of the United States Intelligence Board, as well as to the National Indications Center and to other officials or agencies as may be indicated by the circumstances. The Director of Central Intelligence shall immediately prepare and disseminate, as appropriate, the national intelligence estimate of the situation.

*7. Protection of Intelligence and of Intelligence Sources and Methods*

The Director of Central Intelligence, with the advice of the members of the United States Intelligence Board, shall ensure the development of policies and procedures for the protection of intelligence and of intelligence sources and methods from unauthorized disclosure. Each department and agency shall remain responsible for the protection of intelligence and of intelligence sources and methods within its own organization. Each shall also establish appropriate in-

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ternal policies and procedures to prevent the unauthorized disclosure from within that agency of intelligence information or activity. The Director of Central Intelligence shall call upon the departments and agencies, as appropriate, to investigate within their department or agency any unauthorized disclosure of intelligence or of intelligence sources or methods. A report of these investigations, including corrective measures taken or recommended within the departments and agencies involved, shall be transmitted to the Director of Central Intelligence for review and such further action as may be appropriate, including reports to the National Security Council or the President.

*a. Authorized Disclosures*

The Director of Central Intelligence, with the advice and assistance of the United States Intelligence Board, shall establish procedures for review by intelligence authorities of all classified intelligence information contemplated, proposed or prepared for release to the public or for use or disclosure in other unclassified activities in the course of which there is danger that intelligence sources and methods might be revealed. Intelligence information that has been authorized for unclassified disclosure shall be released, used or utilized only in the form and manner authorized under the established review procedures.

*8. Community Responsibilities*

*a.* In implementation of, and in conformity with, approved National Security Council policy, the Director of Central Intelligence shall:

(1) Seek the attainment of the following objectives as essential to the efficient and effective functioning of the intelligence community:

(a) The responsiveness of the United States intelligence effort with respect to national requirements must be subject to continuing review.

(b) Authoritative and responsible leadership for the community as a whole must be assured.

(c) A more efficient use of resources by the community in the collection of intelligence information must be achieved. Utilization of the means available must be in consonance with approved requirements of United States security and national interests.

(d) Assignment of intelligence functions within the community must be reviewed and revised to eliminate inefficient, unnecessary or outmoded activities.

(e) The quality, scope and timeliness of the community's product must be improved.

(f) The provision of intelligence and its utilization must enhance the formulation of the foreign and economic policies of the United States Government and the planning for and conduct of military operations by United States forces.

(2) Call upon the other departments and agencies, as appropriate, to ensure that on intelligence matters affecting the national security the in-

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telligence community is supported by the full knowledge and technical talent available in or to the Government.

(3) Ensure that the pertinence, extent and quality of the available foreign intelligence and intelligence information relating to the national security is continually reviewed as a basis for improving the quality of intelligence and the correction of deficiencies.

(4) Take appropriate measures to facilitate the coordinated development of compatible referencing systems within the departments and agencies engaged in foreign intelligence activities. Central reference facilities as a service of common concern shall be provided by the Central Intelligence Agency and/or other departments and agencies, as appropriate.

(5) Make arrangements with the departments and agencies for the assignment to, or exchange with, the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency or operational necessity. In this connection primary departmental interests shall be recognized and shall receive mutual cooperation and support.

(6) Be provided with all information required from all departments and agencies of the Executive Branch required for the exercise of his responsibilities.

b. Insofar as practicable, in the fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other elements of the intelligence community.

c. The departments and agencies of the Government shall establish appropriate policies and procedures to control and limit undesirable publicity relating to intelligence activities.

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16. Gerald R. Ford, Executive Order 11905, *United States Foreign Intelligence Activities*, 18 February 1976

Executive Order 11905\*

February 18, 1976

United States Foreign Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the National Security Act of 1947, as amended, and as President of the United States of America, it is hereby ordered as follows:

TABLE OF CONTENTS

<i>Section</i>	<i>Description</i>	<i>[CFR Page]</i>
1	PURPOSE _____	[91]
2	DEFINITIONS _____	[91]
3	CONTROL AND DIRECTION OF INTELLIGENCE ORGANIZATIONS _____	[92]
	(a) National Security Council _____	[92]

## Executive Orders

E.O. 11905

	(b) Committee on Foreign Intelligence	[92]
	(c) Operations Advisory Group	[93]
	(d) Director of Central Intelligence	[93]
4	RESPONSIBILITIES AND DUTIES OF THE INTELLIGENCE COMMUNITY	[94]
	(a) Senior Official of Each Organization of the Intelligence Community	[95]
	(b) Central Intelligence Agency	[95]
	(c) Department of State	[96]
	(d) Department of the Treasury	[96]
	(e) Department of Defense	[97]
	(f) Energy Research and Development Administration	[98]
	(g) Federal Bureau of Investigation	[98]
5	RESTRICTIONS ON INTELLIGENCE ACTIVITIES	[99]
6	OVERSIGHT OF INTELLIGENCE ORGANIZATIONS	[101]
7	SECURITY PROTECTION	[103]
8	ENABLING DATA	[105]

SECTION 1. *Purpose.* The purpose of this Order is to establish policies to improve the quality of intelligence needed for national security, to clarify the authority and responsibilities of the intelligence departments and agencies, and to establish effective oversight to assure compliance with law in the management and direction of intelligence agencies and departments of the national government.

SEC. 2. *Definitions.* For the purpose of this Order, unless otherwise indicated, the following terms shall have these meanings:

(a) *Intelligence* means:

(1) *Foreign intelligence* which means information, other than foreign counterintelligence, on the capabilities, intentions and activities of foreign powers, organizations or their agents; and

(2) *Foreign counterintelligence* which means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination or terrorism.

(b) *Intelligence Community* refers to the following organizations:

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;
- (4) Special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs;
- (5) Intelligence elements of the military services;
- (6) Intelligence element of the Federal Bureau of Investigation;
- (7) Intelligence element of the Department of State;
- (8) Intelligence element of the Department of the Treasury; and
- (9) Intelligence element of the Energy Research and Development Administration.

(c) *Special activities in support of national foreign policy objectives* means activities, other than the collection and production of intelligence and related support functions, designed to further official United States programs and policies abroad which are planned and executed so that the role of the United States Government is not apparent or publicly acknowledged.

(d) *National Foreign Intelligence Program* means the programs of the Central Intelligence Agency and the special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs, the Consolidated Cryptologic Program, and those elements of the General Defense Intelligence Program and other programs of the departments and agencies, not including tactical intelligence, designated by the Committee on Foreign Intelligence as part of the Program.

## E.O. 11905

## Title 3—The President

*Sec. 3. Control and Direction of National Intelligence Organizations.**(a) National Security Council.*

(1) The National Security Council was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. Statutory members of the National Security Council are the President, the Vice President, the Secretary of State, and the Secretary of Defense.

(2) Among its responsibilities, the National Security Council shall provide guidance and direction to the development and formulation of national intelligence activities.

(3) The National Security Council shall conduct a semi-annual review of intelligence policies and of ongoing special activities in support of national Foreign policy objectives. These reviews shall consider the needs of users of intelligence and the timeliness and quality of intelligence products and the continued appropriateness of special activities in support of national Foreign policy objectives. The National Security Council shall consult with the Secretary of the Treasury and such other users of intelligence as designated by the President as part of these reviews.

*(b) Committee on Foreign Intelligence.*

(1) There is established the Committee on Foreign Intelligence (hereinafter referred to as the CFI), which shall be composed of the Director of Central Intelligence, hereinafter referred to as the DCI, who shall be the Chairman; the Deputy Secretary of Defense for Intelligence; and the Deputy Assistant to the President for National Security Affairs. The CFI shall report directly to the National Security Council.

(2) The CFI shall (i) control budget preparation and resource allocation for the National Foreign Intelligence Program.

(A) The CFI shall, prior to submission to the Office of Management and Budget, review, and amend as it deems appropriate, the budget for the National Foreign Intelligence Program.

(B) The CFI shall also adopt rules governing the reprogramming of funds within this budget. Such rules may require that reprogrammings of certain types or amounts be given prior approval by the CFI.

(ii) Establish policy priorities for the collection and production of national intelligence.

(iii) Establish policy for the management of the National Foreign Intelligence Program.

(iv) Provide guidance on the relationship between tactical and national intelligence; however, neither the DCI nor the CFI shall have responsibility for tactical intelligence.

(v) Provide continuing guidance to the Intelligence Community in order to ensure compliance with policy directions of the NSC.

(3) The CFI shall be supported by the Intelligence Community staff headed by the Deputy to the Director of Central Intelligence for the Intelligence Community.

(4) The CFI shall establish such subcommittees as it deems appropriate to ensure consultation with members of the Intelligence Community on policies and guidance issued by the CFI.

(5) Decisions of the CFI may be reviewed by the National Security Council upon appeal by the Director of Central Intelligence or any member of the National Security Council.

## Executive Orders

E.O. 11905

(c) *The Operations Advisory Group.*

(1) There is established the Operations Advisory Group (hereinafter referred to as the Operations Group), which shall be composed of the Assistant to the President for National Security Affairs; the Secretaries of State and Defense; the Chairman of the Joint Chiefs of Staff; and the Director of Central Intelligence. The Chairman shall be designated by the President. The Attorney General and the Director of the Office of Management and Budget or their representatives, and others who may be designated by the President, shall attend all meetings as observers.

(2) The Operations Group shall (i) consider and develop a policy recommendation, including any dissents, for the President prior to his decision on each special activity in support of national foreign policy objectives.

(ii) Conduct periodic reviews of programs previously considered by the Operations Group.

(iii) Give approval for specific sensitive intelligence collection operations as designated by the Operations Group.

(iv) Conduct periodic reviews of ongoing sensitive intelligence collection operations.

(3) The Operations Group shall discharge the responsibilities assigned by subparagraphs (c) (2) (i) and (c) (2) (iii) of this section only after consideration in a formal meeting attended by all members and observers; or, in unusual circumstances when any member or observer is unavailable, when a designated representative of the member or observer attends.

(4) The staff of the National Security Council shall provide support to the Operations Group.

(d) *Director of Central Intelligence.*

(1) The Director of Central Intelligence, pursuant to the National Security Act of 1947, shall be responsible directly to the National Security Council and the President. He shall:

(i) Chair the CFI.

(ii) Act as executive head of the CIA and Intelligence Community staff.

(iii) Ensure the development and submission of a budget for the National Foreign Intelligence Program to the CFI.

(iv) Act as the President's primary adviser on foreign intelligence and provide him and other officials in the Executive branch with foreign intelligence, including National Intelligence Estimates; develop national intelligence requirements and priorities; and supervise production and dissemination of national intelligence.

(v) Ensure appropriate implementation of special activities in support of national foreign policy objectives.

(vi) Establish procedures to ensure the propriety of requests, and responses thereto, from the White House Staff or other Executive departments and agencies to the Intelligence Community.

(vii) Ensure that appropriate programs are developed which properly protect intelligence sources, methods and analytical procedures. His responsibility within the United States shall be limited to:

(A) Protection by lawful means against disclosure by present or former employees of the Central Intelligence Agency or persons, or employees of persons or organizations, presently or formerly under contract with the Agency;

(B) providing leadership, guidance and technical assistance to other government departments and agencies performing foreign intelligence activities; and

## E.O. 11905

## Title 3—The President

(C) in cases involving serious or continuing security violations, recommending to the Attorney General that the case be referred to the Federal Bureau of Investigation for further investigation.

(viii) Establish a vigorous program to downgrade and declassify foreign intelligence information as appropriate and consistent with Executive Order No. 11652.

(ix) Ensure the existence of strong Inspector General capabilities in all elements of the Intelligence Community and that each Inspector General submits quarterly to the Intelligence Oversight Board a report which sets forth any questionable activities in which that intelligence organization has engaged or is engaged.

√ (x) Ensure the establishment, by the Intelligence Community, of common security standards for managing and handling foreign intelligence systems, information and products, and for granting access thereto.

(xi) Act as the principal spokesman to the Congress for the Intelligence Community and facilitate the use of foreign intelligence products by Congress.

(xii) Promote the development and maintenance by the Central Intelligence Agency of services of common concern to the Intelligence Community organizations, including multi-discipline analysis, national level intelligence products, and a national level current intelligence publication.

(xiii) Establish uniform criteria for the identification, selection, and designation of relative priorities for the transmission of critical intelligence, and provide the Secretary of Defense with continuing guidance as to the communications requirements of the Intelligence Community for the transmission of such intelligence.

(xiv) Establish such committees of collectors, producers and users of intelligence to assist in his conduct of his responsibilities as he deems appropriate.

(xv) Consult with users and producers of intelligence, including the Departments of State, Treasury, and Defense, the military services, the Federal Bureau of Investigation, the Energy Research and Development Administration, and the Council of Economic Advisors, to ensure the timeliness, relevancy and quality of the intelligence product.

(2) To assist the Director of Central Intelligence in the supervision and direction of the Intelligence Community, the position of Deputy to the Director of Central Intelligence for the Intelligence Community is hereby established (Committee on Foreign Intelligence).

(3) To assist the Director of Central Intelligence in the supervision and direction of the Central Intelligence Agency, the Director of Central Intelligence shall, to the extent consistent with his statutory responsibilities, delegate the day-to-day operation of the Central Intelligence Agency to the Deputy Director of Central Intelligence (50 U.S.C. 403(a)).

(4) To assist the DCI in the fulfillment of his responsibilities, the heads of all departments and agencies shall give him access to all information relevant to the foreign intelligence needs of the United States. Relevant information requested by the DCI shall be provided, and the DCI shall take appropriate steps to maintain its confidentiality.

SEC. 4. *Responsibilities and Duties of the Intelligence Community. Purpose.* The rules of operation prescribed by this section of the Order relate to the activities of our foreign intelligence agencies. In some instances, detailed implementation of this Executive order will be contained in classified documents because of the sensitivity of the information and its relation to national security. All such classified instructions will be consistent with this Order. Unless otherwise specified within this section, its provisions apply to activities both inside and outside the United States, and all references to law

## Executive Orders

E.O. 11905

are to applicable laws of the United States. Nothing in this section of this Order shall be construed to interfere with any law-enforcement responsibility of any department or agency.

(a) *Senior Officials of the Intelligence Community.* The senior officials of the CIA, Departments of State, Treasury and Defense, ERDA and the FBI shall ensure that, in discharging the duties and responsibilities enumerated for their organizations which relate to foreign intelligence, they are responsive to the needs of the President, the National Security Council and other elements of the Government. In carrying out their duties and responsibilities, senior officials shall ensure that all policies and directives relating to intelligence activities are carried out in accordance with law and this Order, including Section 5, and shall:

(1) Make appropriate use of the capabilities of the other elements of the Intelligence Community in order to achieve maximum efficiency.

(2) Contribute in areas of his responsibility to the national intelligence products produced under auspices of the Director of Central Intelligence.

(3) Establish internal policies and guidelines governing employee conduct and ensuring that such are made known to, and acknowledged by, each employee.

(4) Provide for a strong and independent organization for identification and inspection of, and reporting on, unauthorized activity.

(5) Report to the Attorney General that information which relates to detection or prevention of possible violations of law by any person, including an employee of the senior official's department or agency.

(6) Furnish to the Director of Central Intelligence, the CFI, the Operations Group, the President's Foreign Intelligence Advisory Board, and the Intelligence Oversight Board all of the information required for the performance of their respective duties.

(7) Participate, as appropriate, in the provision of services of common concern as directed by the Director of Central Intelligence and provide for other departments and agencies with such mutual assistance as may be within his capabilities and as may be required in the interests of the Intelligence Community for reasons of economy, effectiveness, or operational necessity.

(8) Protect intelligence and intelligence sources and methods within his department or agency, consistent with policies and guidance of the Director of Central Intelligence.

(9) Conduct a continuing review of all classified material originating within his organization and promptly declassifying such material consistent with Executive Order No. 11652, as amended.

(10) Provide administrative and support functions required by his department or agency.

(b) *The Central Intelligence Agency.* All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign intelligence functions outlined below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations, and directives, the Central Intelligence Agency shall:

(1) Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, sociological, and geographic intelligence, to meet the needs of the President, the National Security Council, and other elements of the United States Government.

(2) Develop and conduct programs to collect political, economic, scientific, technical, military, geographic, and sociological information, not otherwise obtainable,

E.O. 11905

## Title 3—The President

relating to foreign intelligence, in accordance with directives of the National Security Council.

(3) Collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics.

(4) Conduct foreign counterintelligence activities outside the United States and when in the United States in coordination with the FBI subject to the approval of the Attorney General.

(5) Carry out such other special activities in support of national foreign policy objectives as may be directed by the President or the National Security Council and which are within the limits of applicable law.

(6) Conduct, for the Intelligence Community, services of common concern as directed by the National Security Council, such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of foreign intelligence information from cooperating sources in the United States, acquisition and translation of foreign publications and photographic interpretation.

(7) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized in this subsection.

(8) Protect the security of its installations, activities, information and personnel. In order to maintain this security, the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.

(9) Conduct administrative, technical and support activities in the United States or abroad as may be necessary to perform the functions described in paragraphs (1) through (8) above, including procurement, maintenance and transport; communications and data processing; recruitment and training; the provision of personnel, financial and medical services; development of essential cover and proprietary arrangements; entering into contracts and arrangements with appropriate private companies and institutions to provide classified or unclassified research, analytical and developmental services and specialized expertise; and entering into similar arrangements with academic institutions, *provided* CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials.

(c) *The Department of State.* The Secretary of State shall:

(1) Collect, overtly, foreign political, political-military, sociological, economic, scientific, technical and associated biographic information.

(2) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of his responsibilities and in support of policy-makers involved in foreign relations within the United States Government.

(3) Disseminate within the United States Government, as appropriate, reports received from United States diplomatic missions abroad.

(4) Coordinate with the Director of Central Intelligence to ensure that United States intelligence activities and programs are useful for and consistent with United States foreign policy.

(5) Transmit reporting requirements of the Intelligence Community to our Chiefs of Missions abroad and provide guidance for their collection effort.

(6) Contribute to the Intelligence Community guidance for its collection of intelligence based on the needs of those responsible for foreign policy decisions.

(7) Support Chiefs of Missions in discharging their responsibilities to direct and coordinate the activities of all elements of their missions.

(d) *The Department of the Treasury.* The Secretary of the Treasury shall:

(1) Collect, overtly, foreign financial and monetary information.

## Executive Orders

E.O. 11905

(2) Participate with the Department of State in the overt collection of general foreign economic information.

(3) Produce that intelligence required for the execution of the Secretary's interdepartmental responsibilities and the mission of the Department of the Treasury.

(4) Contribute intelligence and guidance required for the development of national intelligence.

(5) Disseminate within the United States Government, as appropriate, foreign intelligence information acquired.

(e) *Department of Defense.*

(1) The Secretary of Defense shall:

(i) Collect foreign military intelligence information as well as military-related foreign intelligence information, including scientific, technical, political and economic information as required for the execution of his responsibilities.

(ii) Produce and disseminate, as appropriate, intelligence emphasizing foreign military capabilities and intentions and scientific, technical and economic developments pertinent to his responsibilities.

(iii) Conduct such programs and missions necessary to fulfill national intelligence requirements as determined by the CFI.

(iv) Direct, fund and operate the National Security Agency, and national, defense and military intelligence and reconnaissance entities as required.

(v) Conduct, as the executive agent of the United States Government, signals intelligence activities and communications security, except as otherwise approved by the CFI.

(vi) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government.

(2) In carrying out these assigned responsibilities, the Secretary of Defense is authorized to utilize the following:

(i) The Defense Intelligence Agency (whose functions, authorities and responsibilities are currently publicly assigned by Department of Defense Directive No. 5105.21) to:

(A) Produce or provide military intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies.

(B) Coordinate all Department of Defense intelligence collection requirements and manage the Defense Attache system.

(C) Establish substantive intelligence priority goals and objectives for the Department of Defense and provide guidance on substantive intelligence matters to all major Defense intelligence activities.

(D) Review and maintain cognizance over all plans, policies and procedures for noncryptologic intelligence functions of the Department of Defense.

(E) Provide intelligence staff support as directed by the Joint Chiefs of Staff.

(ii) The National Security Agency, whose functions, authorities and responsibilities shall include:

(A) Establishment and operation of an effective unified organization for the signals intelligence activities of the United States Government, except for certain operations which are normally exercised through appropriate elements of the military command structure, or by the CIA.

(B) Exercise control over signals intelligence collection and processing activities of the Government, delegating to an appropriate agent specified resources for such periods and tasks as required for the direct support of military commanders:

## E.O. 11905

## Title 3—The President

(C) Collection, processing and dissemination of signals intelligence in accordance with objectives, requirements, and priorities established by the Director of Central Intelligence.

(D) Dissemination of signals intelligence to all authorized elements of the Government, including the Armed Services, as requested.

(E) Serving under the Secretary of Defense as the central communications security authority of the United States Government.

(F) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security.

(iii) Special offices for the collection of specialized intelligence through reconnaissance programs, whose functions, authorities, and responsibilities shall include:

(A) Carrying out consolidated programs for reconnaissance.

(B) Assigning responsibility to the various departments and agencies of the Government, according to their capabilities, for the research, development, procurement, operations and control of designated means of collection.

(iv) Such other offices within the Department of Defense as shall be deemed appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.

(f) *Energy Research and Development Administration.* The Administrator of the Energy Research and Development Administration shall:

(1) Produce intelligence required for the execution of his responsibilities and the mission of the Energy Research and Development Administration, hereinafter referred to as ERDA, including the area of nuclear and atomic energy.

(2) Disseminate such intelligence and provide technical and analytical expertise to other Intelligence Community organizations and be responsive to the guidance of the Director of Central Intelligence and the Committee on Foreign Intelligence.

(3) Participate with other Intelligence Community agencies and departments in formulating collection requirements where its special technical expertise can contribute to such collection requirements.

(g) *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(1) Detect and prevent espionage, sabotage, subversion, and other unlawful activities by or on behalf of foreign powers through such lawful counterintelligence operations within the United States, including electronic surveillance, as are necessary or useful for such purposes.

(2) Conduct within the United States and its territories, when requested by officials of the Intelligence Community designated by the President, those lawful activities, including electronic surveillance, authorized by the President and specifically approved by the Attorney General, to be undertaken in support of foreign intelligence collection requirements of other intelligence agencies.

(3) Collect foreign intelligence by lawful means within the United States and its territories when requested by officials of the Intelligence Community designated by the President to make such requests.

(4) Disseminate, as appropriate, foreign intelligence and counterintelligence information which it acquires to appropriate Federal agencies, State and local law enforcement agencies and cooperating foreign governments.

(5) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

## Executive Orders

E.O. 11905

SEC. 5. *Restrictions on Intelligence Activities.* Information about the capabilities, intentions and activities of other governments is essential to informed decision-making in the field of national defense and foreign relations. The measures employed to acquire such information should be responsive to the legitimate needs of our Government and must be conducted in a manner which preserves and respects our established concepts of privacy and our civil liberties.

Recent events have clearly indicated the desirability of government-wide direction which will ensure a proper balancing of these interests. This section of this Order does not authorize any activity not previously authorized and does not provide exemption from any restrictions otherwise applicable. Unless otherwise specified, the provisions of this section apply to activities both inside and outside the United States. References to law are to applicable laws of the United States.

(a) *Definitions.* As used in this section of this Order, the following terms shall have the meanings ascribed to them below:

(1) "Collection" means any one or more of the gathering, analysis, dissemination or storage of non-publicly available information without the informed express consent of the subject of the information.

(2) "Counterintelligence" means information concerning the protection of foreign intelligence or of national security information and its collection from detection or disclosure.

(3) "Electronic surveillance" means acquisition of a non-public communication by electronic means, without the consent of a person who is a party to, or, in the case of a non-electronic communication, visibly present at, the communication.

(4) "Employee" means a person employed by, assigned or detailed to, or acting for a United States foreign intelligence agency.

(5) "Foreign intelligence" means information concerning the capabilities, intentions and activities of any foreign power, or of any non-United States person, whether within or outside the United States, or concerning areas outside the United States.

(6) "Foreign intelligence agency" means the Central Intelligence Agency, National Security Agency, and Defense Intelligence Agency; and further includes any other department or agency of the United States Government or component thereof while it is engaged in the collection of foreign intelligence or counterintelligence, but shall not include any such department, agency or component thereof to the extent that it is engaged in its authorized civil or criminal law enforcement functions; nor shall it include in any case the Federal Bureau of Investigation.

(7) "National security information" has the meaning ascribed to it in Executive Order No. 11652, as amended.

(8) "Physical surveillance" means continuing visual observation by any means; or acquisition of a non-public communication by a person not a party thereto or visibly present thereat through any means which does not involve electronic surveillance.

(9) "United States person" means United States citizens, aliens admitted to the United States for permanent residence and corporations or other organizations incorporated or organized in the United States.

(b) *Restrictions on Collection.* Foreign intelligence agencies shall not engage in any of the following activities:

(1) Physical surveillance directed against a United States person, unless it is a lawful surveillance conducted pursuant to procedures approved by the head of the foreign intelligence agency and directed against any of the following:

## E.O. 11905

## Title 3—The President

(i) A present or former employee of such agency, its present or former contractors or their present or former employees, for the purpose of protecting foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; or

(ii) a United States person, who is in contact with either such a present or former contractor or employee or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry, but only to the extent necessary to identify such United States person; or

(iii) a United States person outside the United States who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities or activities threatening the national security.

(2) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; *provided*, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law.

(3) Unconsented physical searches within the United States; or unconsented physical searches directed against United States persons abroad, except lawful searches under procedures approved by the Attorney General.

(4) Opening of mail or examination of envelopes of mail in United States postal channels except in accordance with applicable statutes and regulations.

(5) Examination of Federal tax returns or tax information except in accordance with applicable statutes and regulations.

(6) Infiltration or undisclosed participation within the United States in any organization for the purpose of reporting on or influencing its activities or members; except such infiltration or participation with respect to an organization composed primarily of non-United States persons which is reasonably believed to be acting on behalf of a foreign power.

(7) Collection of information, however acquired, concerning the domestic activities of United States persons except:

(i) Information concerning corporations or other commercial organizations which constitutes foreign intelligence or counterintelligence.

(ii) Information concerning present or former employees, present or former contractors or their present or former employees, or applicants for any such employment or contracting, necessary to protect foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; and the identity of persons in contact with the foregoing or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry.

(iii) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons.

(iv) Foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with Section 5(b) (2); or foreign intelligence acquired from cooperating sources in the United States.

(v) Information about a United States person who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities.

## Executive Orders

E.O. 11905

(vi) Information concerning persons or activities that pose a clear threat to foreign intelligence agency facilities or personnel, *provided*, that such information is retained only by the foreign intelligence agency threatened and that proper coordination with the Federal Bureau of Investigation is accomplished.

(c) *Dissemination and Storage.* Nothing in this section of this Order shall prohibit:

(1) Lawful dissemination to the appropriate law enforcement agencies of incidentally gathered information indicating involvement in activities which may be in violation of law.

(2) Storage of information required by law to be retained.

(3) Dissemination to foreign intelligence agencies of information of the subject matter types listed in Section 5(b)(7).

(d) *Restrictions on Experimentation.* Foreign intelligence agencies shall not engage in experimentation with drugs on human subjects, except with the informed consent, in writing and witnessed by a disinterested third party, of each such human subject and in accordance with the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.

(e) *Assistance to Law Enforcement Authorities.*

(1) No foreign intelligence agency shall, except as expressly authorized by law (i) provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration or to State or local police organizations of the United States or (ii) participate in or fund any law enforcement activity within the United States.

(2) These prohibitions shall not, however, preclude: (i) cooperation between a foreign intelligence agency and appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of the foreign intelligence agency or preventing espionage or other criminal activity related to foreign intelligence or counterintelligence or (ii) provision of specialized equipment or technical knowledge for use by any other Federal department or agency.

(f) *Assignment of Personnel.* An employee of a foreign intelligence agency detailed elsewhere within the Federal Government shall be responsible to the host agency and shall not report to such employee's parent agency on the affairs of the host agency, except as may be directed by the latter. The head of the host agency, and any successor, shall be informed of the detailee's association with the parent agency.

(g) *Prohibition of Assassination.* No employee of the United States Government shall engage in, or conspire to engage in, political assassination.

(h) *Implementation.*

(1) This section of this Order shall be effective on March 1, 1976: Each department and agency affected by this section of this Order shall promptly issue internal directives to implement this section with respect to its foreign intelligence and counterintelligence operations.

(2) The Attorney General shall, within ninety days of the effective date of this section of this Order, issue guidelines relating to activities of the Federal Bureau of Investigation in the areas of foreign intelligence and counterintelligence.

Sec. 6. *Oversight of Intelligence Organizations.*

(a) There is hereby established an Intelligence Oversight Board, hereinafter referred to as the Oversight Board.

(1) The Oversight Board shall have three members who shall be appointed by the President and who shall be from outside the Government and be qualified on the basis of ability, knowledge, diversity of background and experience. The members of

## E.O. 11905

## Title 3—The President

the Oversight Board may also serve on the President's Foreign Intelligence Advisory Board (Executive Order No. 11460 of March 20, 1969). No member of the Oversight Board shall have any personal contractual relationship with any agency or department of the Intelligence Community.

(2) One member of the Oversight Board shall be designated by the President as its Chairman.

(3) The Oversight Board shall:

(i) Receive and consider reports by Inspectors General and General Counsels of the Intelligence Community concerning activities that raise questions of legality or propriety.

(ii) Review periodically the practices and procedures of the Inspectors General and General Counsels of the Intelligence Community designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(iii) Review periodically with each member of the Intelligence Community their internal guidelines to ensure their adequacy.

(iv) Report periodically, at least quarterly, to the Attorney General and the President on its findings.

(v) Report in a timely manner to the Attorney General and to the President any activities that raise serious questions about legality.

(vi) Report in a timely manner to the President any activities that raise serious questions about propriety.

(b) Inspectors General and General Counsels within the Intelligence Community shall:

(1) Transmit to the Oversight Board reports of any activities that come to their attention that raise questions of legality or propriety.

(2) Report periodically, at least quarterly, to the Oversight Board on its findings concerning questionable activities, if any.

(3) Provide to the Oversight Board all information requested about activities within their respective departments or agencies.

(4) Report to the Oversight Board any occasion on which they were directed not to report any activity to the Oversight Board by their agency or department heads.

(5) Formulate practices and procedures designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(c) Heads of intelligence agencies or departments shall:

(1) Report periodically to the Oversight Board on any activities of their organizations that raise questions of legality or propriety.

(2) Instruct their employees to cooperate fully with the Oversight Board.

(3) Ensure that Inspectors General and General Counsels of their agencies have access to any information necessary to perform their duties assigned by paragraph

(4) of this section.

(d) The Attorney General shall:

(1) Receive and consider reports from the Oversight Board.

(2) Report periodically, at least quarterly, to the President with respect to activities of the Intelligence Community, if any, which raise questions of legality.

(e) The Oversight Board shall receive staff support. No person who serves on the staff of the Oversight Board shall have any contractual or employment relationship with any department or agency in the Intelligence Community.

(f) The President's Foreign Intelligence Advisory Board established by Executive Order No. 11460 of March 20, 1969, remains in effect.

*Sec. 7. Secrecy Protection.*

(a) In order to improve the protection of sources and methods of intelligence, all members of the Executive branch and its contractors given access to information containing sources or methods of intelligence shall, as a condition of obtaining access, sign an agreement that they will not disclose that information to persons not authorized to receive it.

(b) In the event of any unauthorized disclosure of information concerning sources or methods of intelligence, the names of any persons found to have made unauthorized disclosure shall be forwarded (1) to the head of applicable departments or agencies for appropriate disciplinary action; and (2) to the Attorney General for appropriate legal action.

(c) In the event of any threatened unauthorized disclosure of information concerning sources or methods of intelligence by a person who has agreed not to make such disclosure, the details of the threatened disclosure shall be transmitted to the Attorney General for appropriate legal action, including the seeking of a judicial order to prevent such disclosure.

(d) In further pursuit of the need to provide protection for other significant areas of intelligence, the Director of Central Intelligence is authorized to promulgate rules and regulations to expand the scope of agreements secured from those persons who, as an aspect of their relationship with the United States Government, have access to classified intelligence material.

*Sec. 8. Enabling Data.*

(a) The Committee on Foreign Intelligence and the Director of Central Intelligence shall provide for detailed implementation of this Order by issuing appropriate directives.

(b) All existing National Security Council and Director of Central Intelligence directives shall be amended to be consistent with this Order within ninety days of its effective date.

(c) This Order shall supersede the Presidential Memorandum of November 5, 1971, on the "Organization and Management of the U.S. Foreign Intelligence Community."

(d) Heads of departments and agencies within the Intelligence Community shall issue supplementary directives to their organizations consistent with this Order within ninety days of its effective date.

(e) This Order will be implemented within current manning authorizations of the Intelligence Community. To this end, the Director of the Office of Management and Budget will facilitate the required realignment of personnel positions. The Director of the Office of Management and Budget will also assist in the allocation of appropriate facilities.

GERALD R. FORD

THE WHITE HOUSE,  
February 18, 1976.

EDITORIAL NOTE: The President's remarks at his news conference of Feb. 17, 1976, announcing a reorganization of the intelligence community, are printed in the Weekly Compilation of Presidential Documents (vol. 12, p. 227).

**17. Jimmy Carter, Executive Order 12036, *United States Intelligence Activities*, 24 January 1978**

**Executive Order 12036**

**January 24, 1978**

**United States Intelligence Activities**

By virtue of the authority vested in me by the Constitution and statutes of the United States of America including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

## Executive Orders

E.O. 12036

## TABLE OF CONTENTS

SECTION 1		DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT	[CFR page]
1-1	National Security Council .....	[114]	
1-2	NSC Policy Review Committee .....	[114]	
1-3	NSC Special Coordination Committee .....	[114]	
1-4	National Foreign Intelligence Board .....	[116]	
1-5	National Intelligence Tasking Center .....	[116]	
1-6	The Director of Central Intelligence .....	[117]	
1-7	Senior Officials of the Intelligence Community .....	[119]	
1-8	The Central Intelligence Agency .....	[120]	
1-9	The Department of State .....	[121]	
1-10	The Department of the Treasury .....	[121]	
1-11	The Department of Defense .....	[122]	
1-12	Intelligence Components Utilized by the Secretary of Defense .....	[123]	
1-13	The Department of Energy .....	[124]	
1-14	The Federal Bureau of Investigation .....	[125]	
1-15	The Drug Enforcement Administration .....	[125]	
SECTION 2		RESTRICTIONS ON INTELLIGENCE ACTIVITIES	
2-1	Adherence to Law .....	[125]	
2-2	Restrictions on Certain Collection Techniques .....	[126]	
2-201	General Provisions .....	[126]	
2-202	Electronic Surveillance .....	[126]	
2-203	Television Cameras and Other Monitoring .....	[126]	
2-204	Physical Searches .....	[126]	
2-205	Mail Surveillance .....	[127]	
2-206	Physical Surveillance .....	[127]	
2-207	Undisclosed Participation in Domestic Organizations .....	[127]	
2-208	Collection of Nonpublicly Available Information .....	[128]	
2-3	Additional Restrictions and Limitations .....	[128]	
2-301	Tax Information .....	[128]	
2-302	Restrictions on Experimentation .....	[129]	
2-303	Restrictions on Contracting .....	[129]	
2-304	Restrictions on Personnel Assigned to Other Agencies .....	[129]	
2-305	Prohibition on Assassination .....	[129]	
2-306	Restrictions on Special Activities .....	[129]	
2-307	Restrictions on Indirect Participation in Prohibited Activities .....	[129]	
2-308	Restrictions on Assistance to Law Enforcement Authorities .....	[129]	
2-309	Permissible Assistance to Law Enforcement Authorities .....	[129]	
2-310	Permissible Dissemination and Storage of Information .....	[130]	
SECTION 3		OVERSIGHT OF INTELLIGENCE ORGANIZATIONS	
3-1	Intelligence Oversight Board .....	[130]	
3-2	Inspectors General and General Counsel .....	[131]	
3-3	Attorney General .....	[131]	
3-4	Congressional Intelligence Committees .....	[132]	
SECTION 4		GENERAL PROVISIONS	
4-1	Implementation .....	[132]	
4-2	Definitions .....	[133]	

E.O. 12036

## Title 3—The President

## SECTION 1

## DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT\*

1-1. *National Security Council.*

1-101. *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence and counterintelligence activities.

1-102. *Committees.* The NSC Policy Review Committee and Special Coordination Committee, in accordance with procedures established by the Assistant to the President for National Security Affairs, shall assist in carrying out the NSC's responsibilities in the foreign intelligence field.

1-2. *NSC Policy Review Committee.*

1-201. *Membership.* The NSC Policy Review Committee (PRC), when carrying out responsibilities assigned in this Order, shall be chaired by the Director of Central Intelligence and composed of the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, or their designees, and other senior officials, as appropriate.

1-202. *Duties.* The PRC shall:

- (a) Establish requirements and priorities for national foreign intelligence;
- (b) Review the National Foreign Intelligence Program and budget proposals and report to the President as to whether the resource allocations for intelligence capabilities are responsive to the intelligence requirements of the members of the NSC.
- (c) Conduct periodic reviews of national foreign intelligence products, evaluate the quality of the intelligence product, develop policy guidance to ensure quality intelligence and to meet changing intelligence requirements; and
- (d) Submit an annual report on its activities to the NSC.

1-203. *Appeals.* Recommendations of the PRC on intelligence matters may be appealed to the President or the NSC by any member of PRC.

1-3. *NSC Special Coordination Committee.*

1-301. *Membership.* The NSC Special Coordination Committee (SCC) is chaired by the Assistant to the President for National Security Affairs and its membership includes the statutory members of the NSC and other senior officials, as appropriate.

1-302. *Special Activities.* The SCC shall consider and submit to the President a policy recommendation, including all dissents, on each special activity. When meeting for this purpose, the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of

\*Certain technical terms are defined in Section 4-2.

## Executive Orders

E.O. 12036

Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence.

1-303. *Sensitive Foreign Intelligence Collection Operations.* Under standards established by the President, proposals for sensitive foreign intelligence collection operations shall be reported to the Chairman by the Director of Central Intelligence for appropriate review and approval. When meeting for the purpose of reviewing proposals for sensitive foreign intelligence collection operations, the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, and such other members designated by the Chairman to ensure proper consideration of these operations.

1-304. *Counterintelligence.* The SCC shall develop policy with respect to the conduct of counterintelligence activities. When meeting for this purpose the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, the Director of Central Intelligence, and the Director of the FBI. The SCC's counterintelligence functions shall include:

- (a) Developing standards and doctrine for the counterintelligence activities of the United States;
- (b) Resolving interagency differences concerning implementation of counterintelligence policy;
- (c) Developing and monitoring guidelines consistent with this Order for the maintenance of central records of counterintelligence information;
- (d) Submitting to the President an overall annual assessment of the relative threat to United States interests from intelligence and security services of foreign powers and from international terrorist activities, including an assessment of the effectiveness of the United States counterintelligence activities; and
- (e) Approving counterintelligence activities which, under such standards as may be established by the President, require SCC approval.

1-305. *Required Membership.* The SCC shall discharge the responsibilities assigned by sections 1-302 through 1-304 only after consideration in a meeting at which all designated members are present or, in unusual circumstances when any such member is unavailable, when a designated representative of the member attends.

1-306. *Additional Duties.* The SCC shall also:

- (a) Conduct an annual review of ongoing special activities and sensitive national foreign intelligence collection operations and report thereon to the NSC; and
- (b) Carry out such other coordination and review activities as the President may direct.

1-307. *Appeals.* Any member of the SCC may appeal any decision to the President or the NSC.

**E.O. 12036****Title 3—The President****1-4. National Foreign Intelligence Board.**

1-401. *Establishment and Duties.* There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

- (a) Production, review, and coordination of national foreign intelligence;
- (b) The National Foreign Intelligence Program budget;
- (c) Interagency exchanges of foreign intelligence information;
- (d) Arrangements with foreign governments on intelligence matters;
- (e) The protection of intelligence sources and methods;
- (f) Activities of common concern; and
- (g) Other matters referred to it by the Director of Central Intelligence.

1-402. *Membership.* The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

1-403. *Restricted Membership and Observers.* When the NFIB meets for the purpose of section 1-401(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

**1-5. National Intelligence Tasking Center.**

1-501. *Establishment.* There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representatives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

1-502. *Responsibilities.* The NITC shall be the central mechanism by which the Director of Central Intelligence:

- (a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;
- (b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;
- (c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

## Executive Orders

E.O. 12036

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

1-503. *Resolution of Conflicts.* The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

1-504. *Transfer of Authority.* All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the President. To maintain readiness for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

1-6. *The Director of Central Intelligence.*

1-601. *Duties.* The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

**E.O. 12036**

**Title 3—The President**

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

1-602. *National Foreign Intelligence Program Budget.* The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the form designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

(h) The Director of Central Intelligence shall monitor National Foreign Intelligence Program implementation and may conduct program and performance audits and evaluations.

## Executive Orders

E.O. 12036

1-603. *Responsibility for National Foreign Intelligence.* The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

1-604. *Protection of Sources, Methods and Procedures.* The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

1-605. *Responsibility of Executive Branch Agencies.* The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

1-606. *Access to CIA Intelligence.* The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

1-7. *Senior Officials of the Intelligence Community.* The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

**E.O. 12036**

**Title 3—The President**

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against overclassification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspectors General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-8. *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

## Executive Orders

E.O. 12036

1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC;

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and personnel by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-9. *The Department of State.* The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. Coordinate with the Director of Central Intelligence to ensure that national foreign intelligence activities are useful to and consistent with United States foreign policy;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. *The Department of the Treasury.* The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activi-

**E.O. 12036****Title 3—The President**

ties shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. *The Department of Defense.* The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC;

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-1101 through 1-1112 above.

**Executive Orders****E.O. 12036**

1-12. *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. *Defense Intelligence Agency*, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Provision of military intelligence for national foreign intelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. *National Security Agency (NSA)*, whose responsibilities shall include:

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community.

No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

**E.O. 12036**

**Title 3—The President**

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. *Offices for the collection of specialized intelligence through reconnaissance programs*, whose responsibilities shall include:

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. *The foreign intelligence and counterintelligence elements of the military services*, whose responsibilities shall include:

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plans and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. *Other offices within the Department of Defense* appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Sections 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. *The Department of Energy*. The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

## Executive Orders

E.O. 12036

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. *The Drug Enforcement Administration.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

## SECTION 2

## RESTRICTIONS ON INTELLIGENCE ACTIVITIES

2-1. *Adherence to Law.*

2-101. *Purpose.* Information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decision-making in the areas of national defense and foreign relations. The measures employed to acquire such information should be responsive to legitimate governmental needs and must be conducted in a manner that preserves and respects established concepts of privacy and civil liberties.

**E.O. 12036**

**Title 3—The President**

2-102. *Principles of Interpretation.* Sections 2-201 through 2-309 set forth limitations which, in addition to other applicable laws, are intended to achieve the proper balance between protection of individual rights and acquisition of essential information. Those sections do not authorize any activity not authorized by sections 1-101 through 1-1503 and do not provide any exemption from any other law.

2-2. *Restrictions on Certain Collection Techniques.*

2-201. *General Provisions.*

(a) The activities described in Sections 2-202 through 2-208 shall be undertaken only as permitted by this Order and by procedures established by the head of the agency concerned and approved by the Attorney General. Those procedures shall protect constitutional rights and privacy, ensure that information is gathered by the least intrusive means possible, and limit use of such information to lawful governmental purposes.

(b) Activities described in sections 2-202 through 2-205 for which a warrant would be required if undertaken for law enforcement rather than intelligence purposes shall not be undertaken against a United States person without a judicial warrant, unless the President has authorized the type of activity involved and the Attorney General has both approved the particular activity and determined that there is probable cause to believe that the United States person is an agent of a foreign power.

2-202. *Electronic Surveillance.* The CIA may not engage in any electronic surveillance within the United States. No agency within the Intelligence Community shall engage in any electronic surveillance directed against a United States person abroad or designed to intercept a communication sent from, or intended for receipt within, the United States except as permitted by the procedures established pursuant to section 2-201. Training of personnel by agencies in the Intelligence Community in the use of electronic communications equipment, testing by such agencies of such equipment, and the use of measures to determine the existence and capability of electronic surveillance equipment being used unlawfully shall not be prohibited and shall also be governed by such procedures. Such activities shall be limited in scope and duration to those necessary to carry out the training testing or countermeasures purpose. No information derived from communications intercepted in the course of such training, testing or use of countermeasures may be retained or used for any other purpose.

2-203. *Television Cameras and Other Monitoring.* No agency within the Intelligence Community shall use any electronic or mechanical device surreptitiously and continuously to monitor any person within the United States, or any United States person abroad, except as permitted by the procedures established pursuant to Section 2-201.

2-204. *Physical Searches.* No agency within the Intelligence Community except the FBI may conduct any unconsented physical searches within the United States. All such searches conducted by the FBI, as well as all such searches conducted by any agency within the Intelligence Community outside the United States and directed against United States persons, shall be undertaken only as permitted by procedures established pursuant to Section 2-201.

## Executive Orders

E.O. 12036

2-205. *Mail Surveillance.* No agency within the Intelligence Community shall open mail or examine envelopes in United States postal channels, except in accordance with applicable statutes and regulations. No agency within the Intelligence Community shall open mail of a United States person abroad except as permitted by procedures established pursuant to Section 2-201.

2-206. *Physical Surveillance.* The FBI may conduct physical surveillance directed against United States persons or others only in the course of a lawful investigation. Other agencies within the Intelligence Community may not undertake any physical surveillance directed against a United States person unless:

(a) The surveillance is conducted outside the United States and the person being surveilled is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities, or engaging in narcotics production or trafficking;

(b) The surveillance is conducted solely for the purpose of identifying a person who is in contact with someone who is the subject of a foreign intelligence or counterintelligence investigation; or

(c) That person is being surveilled for the purpose of protecting foreign intelligence and counterintelligence sources and methods from unauthorized disclosure or is the subject of a lawful counterintelligence, personnel, physical or communications security investigation.

(d) No surveillance under paragraph (c) of this section may be conducted within the United States unless the person being surveilled is a present employee, intelligence agency contractor or employee of such a contractor, or is a military person employed by a non-intelligence element of a military service. Outside the United States such surveillance may also be conducted against a former employee, intelligence agency contractor or employee of a contractor or a civilian person employed by a non-intelligence element of an agency within the Intelligence Community. A person who is in contact with such a present or former employee or contractor may also be surveilled, but only to the extent necessary to identify that person.

2-207. *Undisclosed Participation in Domestic Organizations.* No employees may join, or otherwise participate in, any organization within the United States on behalf of any agency within the Intelligence Community without disclosing their intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established pursuant to Section 2-201. Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or a designee approved by the Attorney General finds that non-disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General. Those procedures shall further limit undisclosed participation to cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or

(c) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document.

**E.O. 12036****Title 3—The President**

No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

2-208. *Collection of Nonpublicly Available Information.* No agency within the Intelligence Community may collect, disseminate or store information concerning the activities of United States persons that is not available publicly, unless it does so with their consent or as permitted by procedures established pursuant to Section 2-201. Those procedures shall limit collection, storage or dissemination to the following types of information:

(a) Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence;

(b) Information arising out of a lawful counterintelligence or personnel, physical or communications security investigation;

(c) Information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting, which is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

(d) Information needed solely to identify individuals in contact with those persons described in paragraph (c) of this section or with someone who is the subject of a lawful foreign intelligence or counterintelligence investigation;

(e) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons;

(f) Information constituting foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with Section 2-202 or from cooperating sources in the United States;

(g) Information about a person who is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities or narcotics production or trafficking, or endangering the safety of a person protected by the United States Secret Service or the Department of State;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Information concerning United States persons abroad that is obtained in response to requests from the Department of State for support of its consular responsibilities relating to the welfare of those persons;

(j) Information collected, received, disseminated or stored by the FBI and necessary to fulfill its lawful investigative responsibilities; or

(k) Information concerning persons or activities that pose a clear threat to any facility or personnel of an agency within the Intelligence Community. Such information may be retained only by the agency threatened and, if appropriate, by the United States Secret Service and the FBI.

2-3. *Additional Restrictions and Limitations.*

2-301. *Tax Information.* No agency within the Intelligence Community shall examine tax returns or tax information except as permitted by applicable law.

## Executive Orders

E.O. 12036

2-302. *Restrictions on Experimentation.* No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education, and Welfare. The subject's informed consent shall be documented as required by those guidelines.

2-303. *Restrictions on Contracting.* No agency within the Intelligence Community shall enter into a contract or arrangement for the provision of goods or services with private companies or institutions in the United States unless the agency sponsorship is known to the appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, intelligence agency sponsorship may be concealed where it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for authorized intelligence purposes.

2-304. *Restrictions on Personnel Assigned to Other Agencies.* An employee detailed to another agency within the federal government shall be responsible to the host agency and shall not report to the parent agency on the affairs of the host agency unless so directed by the host agency. The head of the host agency, and any successor, shall be informed of the employee's relationship with the parent agency.

2-305. *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2-306. *Restrictions on Special Activities.* No component of the United States Government except an agency within the Intelligence Community may conduct any special activity. No such agency except the CIA (or the military services in wartime) may conduct any special activity unless the President determines, with the SCC's advice, that another agency is more likely to achieve a particular objective.

2-307. *Restrictions on Indirect Participation in Prohibited Activities.* No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by this Order or by applicable law.

2-308. *Restrictions on Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community other than the FBI shall not, except as expressly authorized by law:

(a) Provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (or its successor agencies) or to state or local police organizations of the United States; or

(b) Participate in or fund any law enforcement activity within the United States.

2-309. *Permissible Assistance to Law Enforcement Authorities.* The restrictions in Section 2-308 shall not preclude:

(a) Cooperation with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of any agency within the Intelligence Community;

(b) Participation in law enforcement activities, in accordance with law and this Order, to investigate or prevent clandestine intelligence activities by foreign powers,

**E.O. 12036**

**Title 3—The President**

international narcotics production and trafficking, or international terrorist activities;  
or

(c) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General.

2-310. *Permissible Dissemination and Storage of Information.* Nothing in Sections 2-201 through 2-309 of this Order shall prohibit:

(a) Dissemination to appropriate law enforcement agencies of information which indicates involvement in activities that may violate federal, state, local or foreign laws;

(b) Storage of information required by law to be retained;

(c) Dissemination of information covered by Section 2-208 (a)-(j) to agencies within the Intelligence Community or entities of cooperating foreign governments;  
or

(d) Lawful storage or dissemination of information solely for administrative purposes not related to intelligence or security.

**SECTION 3**

**OVERSIGHT OF INTELLIGENCE ORGANIZATIONS**

**3-1. Intelligence Oversight Board.**

3-101. *Membership.* The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. *Duties.* The IOB shall:

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3-201;

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

**Executive Orders****E.O. 12036**

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. *Restriction on Staff.* No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. *Inspectors General and General Counsel.* Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-3. *Attorney General.* The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy, and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

**E.O. 12036****Title 3—The President**

3-4. *Congressional Intelligence Committees.* Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.

**SECTION 4****GENERAL PROVISIONS****4-1. Implementation.**

4-101. Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

## Executive Orders

E.O. 12036

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with Section 3-402.

4-107 Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are to applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

4-201. *Communications security* means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-202. *Counterintelligence* means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-203. *Electronic Surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-204 *Employee* means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. *Foreign Intelligence* means information relating to the capabilities, intentions and activities of foreign powers organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. *Intelligence* means foreign intelligence and counterintelligence.

4-207 *Intelligence Community and agency or agencies within the Intelligence Community* refer to the following organizations:

- (a) The Central Intelligence Agency (CIA);
- (b) The National Security Agency (NSA);
- (c) The Defense Intelligence Agency;
- (d) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (e) The Bureau of Intelligence and Research of the Department of State;
- (f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

**E.O. 12036**

**Title 3—The President**

(g) The staff elements of the Office of the Director of Central Intelligence.

4-208. *Intelligence product* means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. *International terrorist activities* means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and

(b) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

4-210. *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence;

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. *Physical surveillance* means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. *Special activities* means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

**Executive Orders**

**E.O. 12037**

4-213. *United States*, when used to describe a place, includes the territories of the United States.

4-214. *United States person* means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States.

JIMMY CARTER

THE WHITE HOUSE,  
*January 24, 1978.*

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EDITORIAL NOTE: The President's statement and remarks of Jan. 24, 1978, on signing Executive Order 12036, are printed in the Weekly Compilation of Presidential Documents (vol. 14, p. 194).

**18. Ronald Reagan, Executive Order 12333, *United States Intelligence Activities*, 4 December 1981**

E.O. 12333

Title 3—The President

Executive Order 12333 of December 4, 1981

**United States Intelligence Activities**

**Table of Contents**

	[CFR Page]
<i>Preamble</i> .....	[200]
<b>Part 1. Goals, Direction, Duties, and Responsibilities With Respect to the National Intelligence Effort</b>	
1.1 Goals .....	[201]
1.2 The National Security Council .....	[201]
1.3 National Foreign Intelligence Advisory Groups .....	[201]
1.4 The Intelligence Community .....	[202]
1.5 Director of Central Intelligence .....	[202]
1.6 Duties and Responsibilities of the Heads of Executive Branch Depart- ments and Agencies .....	[204]
1.7 Senior Officials of the Intelligence Community .....	[204]
1.8 The Central Intelligence Agency .....	[205]
1.9 The Department of State .....	[206]
1.10 The Department of the Treasury .....	[206]
1.11 The Department of Defense .....	[207]
1.12 Intelligence Components Utilized by the Secretary of Defense .....	[207]
1.13 The Department of Energy .....	[209]
1.14 The Federal Bureau of Investigation .....	[210]
<b>Part 2. Conduct of Intelligence Activities</b>	
2.1 Need .....	[210]
2.2 Purpose .....	[210]
2.3 Collection of Information .....	[211]
2.4 Collection Techniques .....	[212]
2.5 Attorney General Approval .....	[212]
2.6 Assistance to Law Enforcement Authorities .....	[212]
2.7 Contracting .....	[213]
2.8 Consistency With Other Laws .....	[213]
2.9 Undisclosed Participation in Organizations Within the United States .....	[213]
2.10 Human Experimentation .....	[213]
2.11 Prohibition on Assassination .....	[213]
2.12 Indirect Participation .....	[214]
<b>Part 3. General Provisions</b>	
3.1 Congressional Oversight .....	[214]
3.2 Implementation .....	[214]
3.3 Procedures .....	[214]
3.4 Definitions .....	[214]
3.5 Purpose and Effect .....	[216]
3.6 Revocation .....	[216]

Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effec-

## Executive Orders

E.O. 12333

tive conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

## Part 1

*Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort*

1.1 *Goals.* The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 *The National Security Council.*

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissents, on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 *National Foreign Intelligence Advisory Groups.*

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

(1) Production, review and coordination of national foreign intelligence;

E.O. 12333

Title 3—The President

- (2) Priorities for the National Foreign Intelligence Program budget;
- (3) Interagency exchanges of foreign intelligence information;
- (4) Arrangements with foreign governments on intelligence matters;
- (5) Protection of intelligence sources and methods;
- (6) Activities of common concern; and
- (7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 *The Intelligence Community.* The agencies within the Intelligence Community shall, in accordance with applicable United States law and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

- (a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;
- (b) Production and dissemination of intelligence;
- (c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;
- (d) Special activities;
- (e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and
- (f) Such other intelligence activities as the President may direct from time to time.

1.5 *Director of Central Intelligence.* In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

- (a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

## Executive Orders

E.O. 12333

(b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;

(d) Ensure implementation of special activities;

(e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;

(f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;

(h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

(i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;

(k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;

(m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

E.O. 12333

Title 3—The President

(n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;

(r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies; and

(s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.

1.6 *Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.*

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 *Senior Officials of the Intelligence Community.* The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and

Executive Orders

E.O. 12333

the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures:

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

**E.O. 12333**

**Title 3—The President**

(d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;

(e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855))\* may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;

(f) Conduct services of common concern for the Intelligence Community as directed by the NSC;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

(h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and

(i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 *The Department of State.* The Secretary of State shall:

(a) Overtly collect information relevant to United States foreign policy concerns;

(b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

(c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;

(d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

(e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 *The Department of the Treasury.* The Secretary of the Treasury shall:

(a) Overtly collect foreign financial and monetary information;

(b) Participate with the Department of State in the overt collection of general foreign economic information;

(c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

(d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information

\*The correct citation is (87 Stat. 555).

## Executive Orders

E.O. 12333

shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General:

1.11 *The Department of Defense.* The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;

(e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;

(j) Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and

(k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

(a) *Defense Intelligence Agency*, whose responsibilities shall include:

(1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the

**E.O. 12333**

**Title 3—The President**

Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attache system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) *National Security Agency*, whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection, processing and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the NSA as are necessary;

Executive Orders

E.O. 12333

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;

(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and

(13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.

(c) *Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:*

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps, whose responsibilities shall include:*

(1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.* If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 *The Department of Energy.* The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

E.O. 12333

Title 3—The President

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

Part 2

*Conduct of Intelligence Activities*

2.1 *Need.* Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 *Purpose.* This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or

## Executive Orders

E.O. 12333

interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 *Collection of Information.* Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

E.O. 12333

## Title 3—The President

2.4 *Collection Techniques.* Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 *Attorney General Approval.* The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 *Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community are authorized to:

## Executive Orders

E.O. 12333

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

*2.7 Contracting.* Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

*2.8 Consistency With Other Laws.* Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

*2.9 Undisclosed Participation in Organizations Within the United States.* No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

*2.10 Human Experimentation.* No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented, as required by those guidelines.

*2.11 Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

E.O. 12333

Title 3—The President

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

Part 3

*General Provisions*

3.1 *Congressional Oversight.* The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 *Implementation.* The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 *Procedures.* Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

3.4 *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

(a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.

(b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.

## Executive Orders

E.O. 12333

(d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.

(f) *Intelligence Community and agencies within the Intelligence Community* refer to the following agencies or organizations:

- (1) The Central Intelligence Agency (CIA);
- (2) The National Security Agency (NSA);
- (3) The Defense Intelligence Agency (DIA);
- (4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) The Bureau of Intelligence and Research of the Department of State;
- (6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and
- (7) The staff elements of the Director of Central Intelligence.

(g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:

- (1) The programs of the CIA;
- (2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;
- (3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;
- (4) Activities of the staff elements of the Director of Central Intelligence;
- (5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an un-

E.O. 12334

Title 3—The President

incorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

RONALD REAGAN

THE WHITE HOUSE,  
December 4, 1981.

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Editorial Note: The President's statement of Dec. 4, 1981, on United States intelligence activities is printed in the *Weekly Compilation of Presidential Documents* (vol. 17, p. 1335).



**19. George J. Tenet, Director of Central Intelligence Directive 1/1,  
The Authorities and Responsibilities of the Director of Central Intelligence  
as Head of the US Intelligence Community, 19 November 1998**

UNCLASSIFIED

**DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/1  
THE AUTHORITIES AND RESPONSIBILITIES OF THE DIRECTOR OF  
CENTRAL  
INTELLIGENCE AS HEAD OF THE U.S. INTELLIGENCE COMMUNITY**

(Effective 19 November 1998)

This directive is promulgated pursuant to Sections 102 and 103(c) of the National Security Act of 1947, as amended (NSA), and Executive Order 12333.

**A. Purpose**

This directive establishes a system of DCI Directives (DCIDs) and subsidiary issuances, provides a summary of DCI authorities and responsibilities, assigns responsibility for the execution of certain DCI authorities and responsibilities and provides for a process for the creation and coordination of DCI directives and subsidiary issuances. The goal of this system of directives is to enable the Director of Central Intelligence to provide timely, coordinated and clear guidance and direction to the Intelligence Community. The process established is based on the authorities and responsibilities of the DCI as head of the US Intelligence Community, as assigned by the National Security Act of 1947, as amended, Executive Orders 12333, 12951, 12958, and other statutes, Presidential directives, and National Security Council Intelligence Directives (NSCIDs).

**B. The Authorities and Responsibilities of the Director of Central Intelligence Related to the U.S. Intelligence Community**

The list of authorities and responsibilities of the DCI in this DCID is intended to be illustrative. Readers are directed to the citations for controlling language. In all cases, the language in the original citation is controlling. This DCID is not intended to act in derogation or arrogation of the authorities and responsibilities of the DCI or the head of any other agency, department or organization contained in statute, Executive Order, Presidential directive or NSCID. Furthermore this DCID is not intended to act in derogation or arrogation of any authorities and responsibilities of the DCI or the head of any other agency, department or organization which may not be listed herein. By way of example, this DCID does not derogate or arrogate any of the authorities of the Secretary of Defense found in

UNCLASSIFIED

UNCLASSIFIED

§105 of the National Security Act; 50 United States Code  
(hereafter USC) section 403-5.

2  
UNCLASSIFIED

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**1. Management**

**a. General.**

(1) The Director of Central Intelligence serves as head of the United States Intelligence Community; acts as the principal advisor to the President for intelligence matters related to the national security; and serves as the head of the Central Intelligence Agency. (NSA §102(a); 50 USC 403(a); see also, E.O. 12333, §1.5(a).)

(2) To the extent recommended by the National Security Council and approved by the President, the DCI shall have access to all intelligence related to the national security which is collected by any department, agency or other entity of the United States. (NSA §104(a); 50 USC 403-4(a).)

(3) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General, give the DCI access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to requests from the Director for appropriate support for Intelligence Community activities. (E.O. 12333, §1.6(a).)

(4) The DCI is responsible for developing such objectives and guidance for the Intelligence Community as will enhance the capabilities for responding to expected future needs for national foreign intelligence. (E.O. 12333, §1.5(b).)

(5) In the performance of his duties under the National Security Act, and subject to the direction of the President, the DCI may attend and participate in meetings of the National Security Council. (NSA §101(j); 50 USC 402(j).)

(6) The DCI is a member of the Committee on Foreign Intelligence of the National Security Council. (NSA §101(h)(2)(A); 50 USC 402(h)(2)(A).)

(7) The DCI is a member of the Committee on Transnational Threats of the National Security Council. (NSA § 101(i)(2)(A); 50 USC 402(i)(2)(A).)

**b. Appointment and Evaluation of Officials Responsible for Intelligence Related Activities**

3

UNCLASSIFIED

UNCLASSIFIED

(1) In the event of a vacancy in the position of the Director, National Security Agency (NSA); the Director, National Reconnaissance Office (NRO); or the Director, National Imagery and Mapping Agency (NIMA), the Secretary of Defense shall obtain the concurrence of the DCI before recommending to the President an individual for appointment to the position. If the DCI does not concur in the recommendation, the Secretary of Defense may make the recommendation to the President without the DCI's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation. (NSA §106(a); 50 USC 403-6(a).)

(2) In the event of a vacancy in the position of the Director, DIA; the Assistant Secretary of State for Intelligence and Research; or the Director of the Office of Nonproliferation and National Security [now, Office of Intelligence], DOE; the head of the department or agency having jurisdiction over the position shall consult with the DCI before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. (NSA §106(b); 50 USC 403-6(b).)

(3) In the event of a vacancy in the position of the Assistant Director, National Security Division of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation shall provide timely notice to the DCI of the recommendation of the Director of the Federal Bureau of Investigation of an individual to fill the position in order that the DCI may consult with the Director, FBI, before the Attorney General appoints an individual to fill the vacancy. (NSA §106(b)(3); 50 USC 403-6(b)(3).)

(4) The DCI, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is required to submit each year to the Committee on Foreign Intelligence of the NSC and to the appropriate congressional committees<sup>1</sup> an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office and the National Imagery and Mapping Agency in meeting their national missions. (NSA §105(d); 50 USC 403-5(d).)

<sup>1</sup> The "appropriate congressional committees" for this purpose are defined in section 109 of the National Security Act to be: the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate; and, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives. (NSA § 109(c); 50 USC 404d(c)).

UNCLASSIFIED

**c. Staffs, Committees and Advisory Groups**

The DCI is authorized to appoint advisory committees and to employ part-time advisory personnel as the Director deems necessary in the execution of the Director's functions, consistent with the terms set forth in section 303 of the National Security Act. (NSA §303; 50 USC 405; see also, E.O. 12333, §1.5(j), "[The DCI shall] establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities.")

**d. Congressional Reporting Requirements**

(1) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall keep the intelligence committees fully and currently informed of all intelligence activities, other than a covert action, which are the responsibility of, are engaged by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure. (NSA §502(1); 50 USC 413a(1).)

(2) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within his custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized functions. (NSA §502(2); 50 USC 413a(2).)

(3) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the DCI and the heads of all departments, agencies, and other entities of the United

UNCLASSIFIED

States Government involved in a covert action shall keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and shall furnish to the intelligence committees any information or material concerning covert actions which is in the possession, custody or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. (NSA §503(b); 50 USC 413b(b).)

**e. Providing and Promoting Services of Common Concern**

As head of the Central Intelligence Agency, the DCI is charged with performing such additional services of common concern to elements of the intelligence community, which services the Director determines can be more efficiently accomplished centrally. (NSA §103(d)(4); 50 USC 403-3(d)(4); see also, E.O. 12333, §1.5(c), "[The DCI is responsible for] promot[ing] the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community....")

**f. Promoting Common Administrative Practices**

The DCI is charged with instituting policies and programs, in coordination with the heads of departments and agencies with elements in the Intelligence Community:

(1) to provide for the rotation of personnel among elements of the Intelligence Community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions, and

(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the Intelligence Community. (NSA §104(f); 50 USC 403-4(f).)

**g. Intelligence Related Space Activities**

The DCI has been assigned authorities and responsibilities under the National Space Policy, Presidential Decision Directive/NSC-49, 14 September

UNCLASSIFIED

1996. These include, but are not limited to, the following:

(1) The DCI and the Secretary of Defense oversee those space activities necessary for national security, consistent with their respective responsibilities as set forth in the National Security Act of 1947, as amended, other applicable law and Executive Order 12333. (Presidential Decision Directive 49 (PDD-49), III (1), 14 September 1996<sup>2</sup>.)

(2) The Secretary of Defense and the DCI are responsible for ensuring that defense and intelligence space activities are closely coordinated; that intelligence space architectures are integrated to the maximum extent feasible; and will continue to modernize and improve their respective activities to collect against, and respond to, changing threats, environments and adversaries. (PDD-49, III (2).)

(3) The DCI is responsible for ensuring that the intelligence space sector provides timely information and data to support foreign, defense, and economic policies; military operations; diplomatic activities; indications and warning; crisis management; and treaty verification and that the sector performs research and development related to these functions. (PDD-49, III(9) (a).)

(4) The DCI is charged to work closely with the Secretary of Defense to improve the intelligence space sector's ability to support military operations worldwide. (PDD-49, III (9) (c).)

**2. Analysis and Production**

**a. Analysis and Production of National Intelligence**

(1) The DCI has full responsibility for the production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the

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<sup>2</sup> These excerpts discuss only the unclassified provisions of PDD-49. Readers are directed to the PDD for a complete listing of authorities and responsibilities. PDD-49, III also sets out authorities and responsibilities of the Secretary of Defense, the Department of Energy and ACDA with respect to National Security space activities.

UNCLASSIFIED

Intelligence Community are brought to the attention of national policymakers. (E.O. 12333, §1.5(k).)

(2) Under the direction of the National Security Council, the DCI is responsible for providing national intelligence to the President; to the heads of the departments and agencies of the Executive Branch; to the Chairman of the Joint Chiefs of Staff and senior military commanders; and, where appropriate, to the Senate and the House of Representatives and the committees thereof. Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the Intelligence Community. (NSA §103(a); 50 USC 403-3(a).)

(3) In accordance with law and relevant procedures approved by the Attorney General, the DCI is responsible for giving heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies. (E.O. 12333, §1.5(r).)

(4) The DCI is responsible for facilitating the use of national foreign intelligence products by Congress in a secure manner. (E.O. 12333, §1.5(s).)

(5) The DCI is charged with promoting and evaluating the utility of national intelligence to consumers within the US Government. (NSA §103(c)(4); 50 USC 403-3(c)(4).)

(6) The DCI is responsible for the development and implementation of such programs and policies as the DCI and the Secretary of Defense jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions, including support to the all-source analysis and production process. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. (NSA §110(c); 50 USC 404e(c).)

(7) The DCI is responsible for establishing uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advising the Secretary of Defense concerning the communications requirements of

UNCLASSIFIED

the Intelligence Community for the transmission of such intelligence. (E.O. 12333, §1.5(i).)

**b. Reserved**

**3. Collection**

**a. Collection of National Intelligence**

(1) The DCI, in his capacity as head of the Intelligence Community, establishes the requirements and priorities to govern the collection of national intelligence by elements of the Intelligence Community. (NSA §103(c)(2); 50 USC 403-3(c)(2).)

(2) The DCI, in his capacity as head of the Intelligence Community, approves collection requirements, determines collection priorities, and resolves conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President. (NSA §103(c)(3); 50 USC 403-3(c)(3); NSA §111; 50 USC 404f; see also, E.O. 12333 §1.5(m).)

(3) The DCI ensures the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensures the resulting intelligence is disseminated immediately to appropriate government entities and military commands. (E.O. 12333, §1.5(l).)

(4) The DCI establishes mechanisms which translate national foreign intelligence objectives and priorities approved by the National Security Council into specific guidance for the Intelligence Community. (E.O. 12333, §1.5(m).)

(5) As Head of the Central Intelligence Agency, the DCI is responsible for providing overall direction for the collection of national intelligence through human sources by elements of the Intelligence Community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized. (NSA §103(d)(2); 50 USC 403-3(d)(2).)

(6) The DCI is responsible for providing for the development of plans and arrangements for transfer of

UNCLASSIFIED

required collection tasking authority to the Secretary of Defense when directed by the President. (E.O. 12333, §1.5(m); see also, PDD-49, III(8)(f).)

**b. Reserved**

**4. Program and Budget**

**a. Budget Preparation, Reprogramming and Transfers, Monitoring NFIP Implementation**

(1) The Director of Central Intelligence facilitates the development of an annual budget for the intelligence and intelligence-related activities of the United States by --

(A) developing, with the advice of the program managers and departments and agencies concerned, and presenting to the President, the consolidated National Foreign Intelligence Program (NFIP) budget; (NSA §103(c)(1)(A); 50 USC 403-3(c)(1)(A); see also, E.O. 12333 §1.5(n).); and,

(B) participating, in his capacity as head of the Intelligence Community, in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). (NSA §103(c)(1)(B); 50 USC 403-3(c)(1)(B).)

(2) The DCI provides guidance to the elements of the Intelligence Community for the preparation of their annual budgets and approves such budgets before their incorporation in the National Foreign Intelligence Program. (NSA §104(b); 50 USC 403-4(b).)

(3) No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the Intelligence Community without the prior approval of the DCI except in accordance with procedures issued by the DCI. (NSA §104(c); 50 USC 403-4(c). See also, E.O. 12333 §1.5(o), "[The DCI is responsible for reviewing and approving] all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget.")

(4) The Secretary of Defense shall consult with the DCI before reprogramming funds made available under

19. (continued)

UNCLASSIFIED

the Joint Military Intelligence Program. (NSA §104(c); 50 USC 403-4(c).)

(5) The DCI, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program. A transfer of funds under this authority may be made only if:

- (A) the funds are being transferred to an activity that is a higher priority intelligence activity;
- (B) the need for funds for such activity is based on unforeseen requirements;
- (C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;
- (D) the transfer does not involve a transfer of funds from the Federal Bureau of Investigation; and
- (E) the Secretary or head of the department which contain the affected element or elements of the Intelligence Community does not object to such transfer. (NSA §104(d); 50 USC 403-4(d).)

(6) The DCI, in accordance with procedures developed by the DCI and the heads of affected departments and agencies, may transfer personnel authorized for an element of the Intelligence Community to another such element for periods up to one year. A transfer of personnel under this authority may be made only if:

- (A) the personnel are being transferred to an activity that is a higher priority intelligence activity;
- (B) the need for personnel for such activity is based on unforeseen requirements;
- (C) the transfer does not involve a transfer of personnel from the Federal Bureau of Investigation; and
- (D) the Secretary or head of the department which contain the affected element or elements of the Intelligence Community does not object to such transfer. (NSA §104(d); 50 USC 403-4(d).)

(7) The DCI monitors the implementation of the National Foreign Intelligence Program and, as necessary, conducts program audits and evaluations. (E.O. 12333, §1.5(p).)

**b. Eliminating Waste and Unnecessary Duplication.**

11  
UNCLASSIFIED

UNCLASSIFIED

The DCI, in his capacity as head of the Intelligence Community, is charged with eliminating waste and unnecessary duplication within the Intelligence Community. (NSA §103(c)(5); 50 USC 403-3(c)(5).)

**c. Overlap Between National Foreign Intelligence Programs and Department of Defense Intelligence Programs.**

The DCI, together with the Secretary of Defense, is responsible for ensuring that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and for providing to and obtaining from the Secretary of Defense all information necessary for this purpose. (E.O. 12333, §1.5(q).)

**d. Narcotics Intelligence Activities Abroad.**

The DCI participates in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs. (E.O. 12333, §1.5(f).)

**5. Relationships**

**a. Coordination of Foreign Intelligence Relationships**

(1) Under the direction of the National Security Council, and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 USC 3927), the DCI shall coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means. (NSA §104(e); 50 USC 403-4(e).)

(2) The DCI is responsible for formulating policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinating foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establishing procedures governing the conduct of

UNCLASSIFIED

liaison by any department or agency with such services on narcotics activities. (E.O. 12333, §1.5(e))

(3) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress<sup>3</sup> that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. (NSA §112(a)(1); 50 USC 404g(a)(1), (The statute also provides a waiver provision at NSA §404g(a)(2); 50 USC 404g(a)(2).))

**b. Reserved**

**6. Security**

**a. Protection of Intelligence Sources and Methods**

(1) The DCI shall protect intelligence sources and methods from unauthorized disclosure. (NSA §103(c)(6); 50 USC 403-3(c)(6).)

(2) The DCI is charged with ensuring the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products. (E.O. 12333, §1.5(g).)

(3) The DCI is to ensure that programs are developed to protect intelligence sources, methods, and analytical procedures. (E.O. 12333, §1.5(h).)

(4) Unless otherwise authorized by the President, only the Secretaries of State, Defense and Energy and the Director of Central Intelligence, or the principal deputy of each, may create a special access program.<sup>4</sup> For special access programs pertaining to intelligence

<sup>3</sup> As used in this section, the term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Relations and the Permanent Select Committee on Intelligence of the House of Representatives. (NSA §112(e); 50 USC 404g(e)).

<sup>4</sup> A "special access program" is a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

UNCLASSIFIED

activities (including special activities, but not including military operational, strategic and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence. (E.O. 12958, §4.1 and §4.4.)

**b. Classification of Imagery**

(1) The DCI is responsible for determining whether imagery acquired by a space-based national intelligence reconnaissance system shall no longer be kept secret in the interests of national security and foreign policy. (E.O. 12951, §2.)

(2) In consultation with the Secretaries of State and Defense, the DCI shall establish a comprehensive review of imagery from systems other than the Corona, Argon, and Lanyard missions, with the objective of making available to the public as much imagery as possible consistent with the interests of national defense and foreign policy. (E.O. 12951, §2.)

**7. Other**

**a. Special Activities**

The DCI is responsible for ensuring the implementation of special activities. (E.O. 12333, §1.5(d).)

**b. Counterterrorism**

The DCI has been assigned specific responsibilities in Presidential Decision Directive/NSC-39, 21 June 1995 and Presidential Decision Directive/NSC-62, 22 May 1998.

**c. Other Authorities and Responsibilities**

The DCI, in his capacity as head of the Intelligence Community, may be directed to perform other functions by the President or the National Security Council. (NSA §103(c)(7); 50 USC 403-3(c)(7).)

**C. Assignment of Responsibility for the Execution of the DCI's Responsibilities as Head of the Intelligence Community.**

UNCLASSIFIED

1. **The Deputy Director of Central Intelligence for Community Management (DDCI/CM).** The DDCI/CM shall, subject to the direction of the DCI, be principally responsible for executing the responsibilities of the Director set forth in subparagraphs B.1.e., B.1.f., B.2., B.3. and B.4., above.

2. **DCI Discretionary Authority.** Notwithstanding the assignment of responsibilities set forth above, the Director may assign responsibility, in whole or in part, to such other subordinate officials as he or she may choose.

3. **Implementation.** The officials who are assigned responsibility pursuant to this paragraph are authorized to create such mechanisms or make use of existing mechanisms within the Intelligence Community, as may be appropriate, for the execution of their respective responsibilities.

**D. System of DCI Directives (DCIDs).**

1. **DCIDs.** There is hereby established a system of DCI Directives and subsidiary issuances, which shall serve as the principal means by which the Director of Central Intelligence provides guidance, policy and direction to the Intelligence Community pursuant to the authorities cited in paragraph A. All current DCIDs shall remain in force until canceled or an update is published.

2. **DDCI/CM Responsibilities.** The DDCI/CM shall have overall responsibility for developing such directives and subsidiary issuances, for coordinating them with elements of the Intelligence Community, for promulgating and disseminating them, and for updating them as may be required. In carrying out these functions, the DDCI/CM may make use of such mechanisms within the Intelligence Community as may be appropriate. The DDCI/CM shall issue implementing procedures for the creation and coordination of DCI Directives and subsidiary issuances.

3. **DCI Approval.** The DCI, or in his absence the Acting DCI, shall approve all DCIDs.

4. **Additional References to DCI Authorities and Responsibilities.** The DDCI/CM may amend this DCID to include references to other authorities and responsibilities of the Director contained in statute, Executive Order or Presidential directive.

15  
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